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Report of the Secretary-General pursuant to paragraph 30 of resolution 1546 (2004)

I. Introduction

1. In paragraph 30 of resolution 1546 (2004) of 8 June 2004, the Security Council requested the Secretary-General to report to the Council within three months from the date of the resolution on the operations of the United Nations Assistance Mission for Iraq (UNAMI) and, on a quarterly basis thereafter, on the progress made towards national elections and fulfilment of all the Mission's responsibilities. The present report is the second submitted pursuant to that resolution.

2. The report provides an update on United Nations activities in Iraq since the last report (S/2004/710 and Corr.1 of 3 September 2004). The report also provides a summary of key developments in Iraq and an update on security arrangements for the United Nations presence in Iraq. It focuses on the priority tasks for the United Nations set forth in resolution 1546 (2004). It pays particular attention to the role of the United Nations in the political process, including preparations for the planned elections, and the work of my Special Representative for Iraq.

II. Summary of key developments in Iraq

A. Overview

3. The current security situation remains a major challenge. Although certain parts of the country, especially in the south, remain relatively calm, violence continues to adversely affect the centre of the country, particularly in and around Baghdad and other key cities, such as Fallujah, Samarra, Ramadi and, more recently, Mosul. Iraq's security and law enforcement institutions remain fragile. Attacks, including acts of terror, against State institutions and Government officials, at both the national and the governorate level, as well as against members of the multinational force, Iraqi security forces and civilians, including aid workers, continue unabated. Abductions and hostage-taking are also reported almost on a daily basis.

4. On 7 November, the Interim Government of Iraq, under the National Safety Law, declared a 60-day state of emergency in all parts of Iraq, except the three

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northern governorates. Specific measures were announced for Fallujah and Ramadi. These included the imposition of a 24-hour curfew in Fallujah, restrictions on movement of vehicles inside Fallujah, the closure of all public buildings in the two cities, revocation of weapon permits, disbandment of the local police, the closure of borders with the Syrian Arab Republic and Jordan and a temporary closure of Baghdad International Airport for civilian traffic. Since then, curfews have been imposed on other cities, including Baghdad, Bayji, Mosul, Najaf, Ba'qubah and Samarra. The state of emergency extends through a substantial period of the electoral process, including the certification process for political entities, the voter registration process, and the electoral campaign period.

5. During the period under review, central Iraq, between Mosul (Ninawa) in the north and Latifiyah (Babil) in the south and from Qaim (Al Anbar) in the west to Ba'qubah (Diyala) in the east, has witnessed a particularly high level of insurgent and military activity. The city of Fallujah has been a particular flashpoint in this regard. On 3 November 2004, the Interim Government authorized Iraqi security forces and the multinational force to regain control of Fallujah through military action. While the Interim Government appears to have regained control over most of Fallujah, there are also reports that insurgent groups may have relocated to other localities outside of Fallujah.

6. South of Baghdad, in Iskandariyah, Latifiyah and Mahmudiyah, there have been armed encounters between sectarian groups. Fighting has also occurred between armed groups and Iraqi security forces and the multinational force. In Sadr City, Iraqi security forces and the multinational force were engaged militarily, while, at the same time, the Interim Government engaged local leaders to resolve outstanding socio-economic and political issues. As a result, an arrangement was reached whereby insurgents were to lay down arms in a government weapons buy-out programme in exchange for a commitment by the authorities to rehabilitate long-neglected neighbourhoods. A partial amnesty was also announced. At the time of writing, order has been restored in Sadr City.

7. Recently, Kirkuk, Mosul and other locations have witnessed increased violence. In Mosul, there was fighting between armed groups and the multinational force and Iraqi security forces in the aftermath of the Fallujah operation. In Kirkuk, grievances appear to be linked in part to the settlement policies carried out by the previous regime, which are being challenged by returning Kurds who were forced out of the area and are seeking to reverse those policies. The three Kurdish governorates have been relatively quiet, following a series of attacks earlier this year which resulted in the death of a number of officials of the Kurdistan Regional Government and civilians.

8. The ongoing violence, the causes, sources and motivations of which are not monolithic, reflects deeper grievances and cleavages between and within Iraqi communities. Carefully designed political solutions are required to address this situation. A mutually reinforcing dynamic between a credible political process and an improving security situation offers the best hope for achieving the goal of a stable, durable and democratic transition.

B. The transitional political process

Elections

9. The most immediate priorities in the transitional process are the preparations for direct and democratic elections. The exclusive jurisdiction for the oversight, organization and conduct of the transitional elections has been vested in the Independent Electoral Commission of Iraq. The United Nations advises and supports the Commission in its work. According to the Transitional Administrative Law, elections are to be held to the Transitional National Assembly, the governorate councils, and the Kurdistan National Assembly. Subsequent to the elections, the Transitional National Assembly will write the draft of a permanent constitution by no later than 15 August 2005, which would then be presented to the Iraqi people for approval in a general referendum to be held no later than 15 October 2005. If the constitution is approved in the referendum, elections for a permanent government will be held no later than 15 December 2005.

10. Technical preparations for the elections remain on schedule. An update on United Nations technical electoral assistance activities is provided in section IV.B of this report. On 21 November 2004, the Independent Electoral Commission announced that the elections had been scheduled for 30 January 2005. The Interim Government has called on all Iraqis to register and vote. While a number of parties and other entities have announced their support for the elections to be held as scheduled, others have announced that they might boycott the elections. This underlines the urgent need to promote consensus on this important issue within the broader framework of the challenge of national reconciliation.

Interim National Council

11. Following its formation by the National Conference in August 2004, the Interim National Council held its inaugural meeting on 1 September 2004 and has met periodically since then. Its powers and functions are laid down in the annex to the Transitional Administrative Law. According to the Law, the main functions of the Interim National Council are to promote constructive dialogue, create national consensus, and advise the Presidency Council and the Council of Ministers. The Interim National Council has the authority to monitor the implementation of laws, follow up the work of the executive bodies, appoint replacements to the Presidency Council in cases of resignation and death, interpellate the Prime Minister and the Council of Ministers, and veto executive orders by a two-thirds majority vote of its members within 10 days of being informed of such orders approved by the Presidency Council. The Interim National Council also has the right to approve the national budget for 2005, to be proposed by the Council of Ministers, and to set its internal regulations.

12. As part of its initial acts, the Council framed by-laws and rules of procedure and selected its leadership consisting of its President, Fouad Massoum (who also served as Chairman of the National Conference), two vice-presidents and four deputies. The Council forms part of the Interim Government along with the Council of Ministers, the Prime Minister, the Presidency and the Judicial Authority. The term of the Council is limited, and will end when a transitional government is established after the elections to be held in January 2005.

13. The Interim National Council has established 13 committees to consider a wide range of issues. These include, among other things, out-of-country voting, Government policy regarding Iraqi debt, the planned census and elections. The Council has also considered security matters and invited the Minister of the Interior to inform the Council on related developments. In addition, the Council has discussed initiatives pertaining to national reconciliation. Some of its members were engaged in discussions to end the crisis in the Sadr City neighbourhood of Baghdad. The Council has carried out its work with minimal publicity. Meetings of the Council are held in the convention centre in the international zone.

C. Regional developments pertaining to Iraq

14. During the period under review, renewed efforts at regional and international confidence-building were undertaken. On 23 November 2004, Egypt hosted an international ministerial meeting on Iraq in Sharm el-Sheikh, bringing together Iraq's neighbours, other regional actors and key members of the wider international community. The meeting was attended by the group of countries neighbouring Iraq (Egypt, Islamic Republic of Iran, Jordan, Kuwait, Saudi Arabia, Syrian Arab Republic, Turkey), the G-8 (Canada, France, Germany, Italy, Japan, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America), China (as the only other permanent member of the Security Council), Algeria, Bahrain, Malaysia, the Netherlands and Tunisia, the League of Arab States, the Organization of the Islamic Conference, the European Union and the United Nations. I was accompanied by my Special Representative for Iraq, Ashraf Jehangir Qazi, and my Special Adviser, Lakhdar Brahimi.

15. In my address to the meeting, I emphasized the need to address the twofold challenge pertaining to the situation in Iraq today, namely to promote convergence both inside Iraq and in the international community. The meeting concluded with the adoption by consensus of a final communiqué. In the communiqué, the participants, inter alia, affirmed the right of the Iraqi people to a secure and stable life and to determine freely their future through democratic means and to exercise full control over their natural and financial resources. They also stressed the leading role of the United Nations in supporting, as circumstances permit, the political process in Iraq stipulated in paragraphs 4 and 7 of resolution 1546 (2004). The Ministers further welcomed the leading role the United Nations has played in terms of advice and support for the process of holding elections, including the recent decision to deploy more electoral staff to Iraq. They called upon the international community to provide the assistance necessary to protect the United Nations in Iraq.

16. The participants further welcomed the efforts by the Interim Government of Iraq and other leaders of the Iraqi community to broaden political participation, by encouraging all elements who reject violence to engage in the political and electoral process through peaceful means. They encouraged the Interim Government to convene in Iraq, at the earliest date and before the general elections, representatives of the Iraqi political spectrum and civil society to inform them of the results of the meeting, so as to advance nation-building and national reconciliation with a view to encouraging broader participation in the elections.

17. As a follow-up to the meeting, the communiqué directs representatives of the participants to regularly review progress in implementing the conclusions reached

and to report to ministers on the outcome of their follow-up meetings, the first of which is to be held in February 2005. In the meantime, the participants agreed on a consultative follow-up process on the implementation of the communiqué until the elections. I wish to thank the Government of Egypt for having hosted the meeting, which was the first multilateral gathering on Iraq outside the Security Council.

18. At the same time, Iraq, its neighbours and Egypt have continued to meet — at the level of Foreign Ministers in Sharm el-Sheikh on 22 November, and at the level of Interior Ministers in Tehran on 30 November. My Special Representative participated in both meetings.

III. Update on security arrangements for the United Nations presence in Iraq

19. During the reporting period, certain parts of Iraq continued to experience a very serious security situation. In addition to attacks on the multinational force and other targets, the main threat was clearly directed at the new Iraqi police and armed forces. The scale of the attacks and the general level of related political violence, notably kidnappings and assassinations, contributed to the Interim Government's imposition of a state of emergency on 7 November 2004. In view of the very high and in some cases intensifying levels of violence in certain parts of Iraq, staff security remains the overriding constraint for all United Nations activities throughout the country. The most recent review by the United Nations Security Coordinator assessed the threat to United Nations personnel in Iraq as remaining in the critical category, necessitating continuation of the very extensive staff protection measures set out in paragraphs 5 to 7 of my report to the Security Council of 5 August 2004 (S/2004/625).

20. The recent rise in the ceiling for the deployment of United Nations staff in Iraq, which has been undertaken primarily in support of the electoral process, is, therefore, confined to the "international zone" in Baghdad. The necessary protection arrangements in the international zone described in paragraph 84 of my report of 5 December 2003 (S/2003/1149) are now in place. Movement outside the international zone remains extremely hazardous. The United Nations and other international organizations remain high-value, high-impact targets. Any expansion of United Nations staffing or activities outside the international zone will require not only implementation of the extensive protection arrangements set out in previous reports, but also a qualitative improvement in the overall security environment.

21. As set out in paragraph 25 of my previous report (S/2004/710 and Corr.1), the multinational force is carrying out broad area security, escorting United Nations movements, and controlling access to and protecting the outer perimeter of United Nations facilities. An agreement is being negotiated with the United States, as the State whose armed forces are vested with the unified command of the multinational force, concerning protection by the multinational force of the United Nations presence in Iraq. Pending the conclusion of such an agreement, the United Nations and the United States have exchanged letters recording their mutual understanding of the security framework applicable in respect of UNAMI. The letters cover matters such as security of UNAMI premises, security for UNAMI movements,

search and rescue, emergency medical evacuation, bomb disposal, disaster response and exchange of security information.

22. In accordance with paragraph 13 of resolution 1546 (2004), the United Nations continues to support efforts by the multinational force to encourage Member States to provide troops or to make financial contributions for the creation of a distinct entity under unified command of the multinational force with a dedicated mission to provide security for the United Nations presence in Iraq. Following the offer from several Member States to provide financial support to the distinct entity, the President of the Security Council informed me on 30 November of the decision by the Security Council to endorse the creation of a United Nations trust fund for accepting and administering contributions from Member States for the purpose of financially supporting the distinct entity. I decided to establish a United Nations trust fund for that purpose on 30 November.

23. In addition to the protection provided by the multinational force, there is a requirement for an integrated United Nations security structure, including security of the United Nations premises and personal security details. Since my previous report, an initial group of protection coordination officers has been recruited and deployed to Iraq. In addition, the necessary personal security details have been recruited. They are undergoing final equipping, training, and technical certification for duty in Iraq. Pending completion of this process, the United Nations will have to continue to rely on the multinational force for the provision of personal security details.

24. Following the receipt on 1 October 2004 of a letter from the President of the Security Council welcoming the proposal in my letter of 23 September for the recruitment and deployment of a guard unit consisting of formed units of armed civilian police, military or paramilitary personnel, a contingent of 135 military personnel has been provided by a Member State. This United Nations guard unit, which is completing its training prior to deployment to Baghdad, will be responsible for controlling access to, and conducting patrols within, UNAMI facilities. Financial arrangements with the contributing Member State are in accordance with the current practice associated with peacekeeping missions. The United States has deployed and undertaken to continue to provide from the multinational force a dedicated company-sized unit for protection within United Nations facilities in the international zone until the United Nations guard unit has arrived and assumed operational responsibility.

25. The United Nations will continue to rely on the multinational force and Member States for air transport to and from Baghdad, as well as within Iraq, until such time as there is a capability for the United Nations to resume its own flight operations. In order to reduce the numbers of international personnel required in Iraq, the United Nations will also continue to rely heavily on logistics, medical, and other administrative services provided by Member States on a bilateral, cost-recoverable basis.

26. In paragraph 89 of my report of 5 December 2003 (S/2003/1149), I stated that establishing the necessary security conditions for the United Nations to operate in Iraq would be a time-consuming and expensive process. The security measures needed to enable the United Nations to operate in Iraq on even a modest scale are extremely costly in personnel and special equipment. I therefore hope that the United Nations can count on the full support of Member States to provide the

necessary resources and equipment to UNAMI to mitigate the very high threats and risks attached to the work of the United Nations in Iraq.

IV. Update on the activities of the Mission

A. Activities of the Special Representative of the Secretary-General and his political team

27. During the reporting period, my Special Representative and his political team have continued to forge contacts with the Interim Government of Iraq, political and religious leaders, public figures and representatives of civil society. He has held meetings with members of the Interim National Council. UNAMI also attended on an informal basis some of the sessions of the Interim National Council's committees. In addition to attending discussions between the Prime Minister and local leaders from Sadr City and Fallujah, my Special Representative has held meetings with the Association of Muslim Scholars, various Sunni groups and the Shi'ah House in Baghdad as well as leaders from Fallujah. My Special Representative has also met in Arbil and Sulaymaniyah with representatives of the Kurdistan Regional Government and political leaders from the region.

28. My Special Representative and UNAMI closely followed developments in and around Fallujah and met with key officials of the Interim Government and representatives of the diplomatic community and of the multinational force to obtain a comprehensive understanding of the situation. UNAMI also met political and civic leaders from the city prior to the start of the conflict, urging them to come to arrangements with the Interim Government which would lead to a peaceful resolution of the crisis. In his discussions, my Special Representative reaffirmed the United Nations concerns about the long-term implications and the negative impact the use of force might have on the immediate security situation in other parts of the country and on the political environment in the run-up to the elections. Meanwhile, UNAMI, in coordination with United Nations agencies, non-governmental partners and the Interim Government, made a concerted effort to identify the needs of those displaced or affected by the fighting and assist in the coordination and delivery of assistance.

29. Apart from the crisis in Fallujah, my Special Representative has devoted his efforts to engage as wide a section of the Iraqi political spectrum as possible on how to advance the political process and to establish a conducive environment for the planned elections. In conjunction with the UNAMI Chief Electoral Officer, special meetings have been held with political party leaders to clarify elements of the electoral process. These efforts are to be intensified in the coming weeks. Efforts are being made to ensure that the electoral process is understood. Special attention has been given to highlighting the importance of ensuring that the electoral process is as inclusive, participatory and transparent as possible, as well as recognizing and respecting the independence and autonomy of the Independent Electoral Commission.

30. As part of his ongoing efforts, my Special Representative has also continued to meet with representatives of the diplomatic community, senior officials of the multinational force and visiting officials from Member States, to discuss issues relevant to the implementation of the United Nations mandate pursuant to resolution

1546 (2004). In addition, he visited Kuwait and Jordan as the other host countries to UNAMI, to meet senior State officials of the two countries and heads of United Nations agencies. In the context of the regional meeting of Interior Ministers in Tehran, my Special Representative also visited the Islamic Republic of Iran from 29 November to 1 December 2004 and met with senior Government leaders. Time permitting, the Special Representative intends to visit all neighbouring countries in the near future. He and his political team are widening the network of contacts in fulfilment of the political, electoral and humanitarian aspects of the United Nations mandate.

31. In the coming quarter, my Special Representative will continue to make efforts to seek common ground between those who have chosen to participate in the political process and those who have so far remained outside. In all his discussions with civic, political and political actors, he has drawn attention to the need for the Transitional National Assembly to be an institution truly representative of Iraq's diverse society, in order for it to draft a constitution for all Iraqis and to contribute to shaping Iraq's future.

32. I would like to take this opportunity to thank Ross Mountain, the Deputy Special Representative of the Secretary-General for UNAMI, who for several months served as my Special Representative ad interim and Humanitarian Coordinator for Iraq, for his excellent leadership of the mission during a painful and difficult transition. Mr. Mountain completed his service with UNAMI in November to assume a new senior position within the Organization.

B. United Nations electoral assistance activities

33. The Independent Electoral Commission of Iraq has established itself as a credible institution and is carrying out its tasks in an effective manner. Despite the difficult security situation and extremely tight timelines, the framing of electoral regulations and the progress of electoral operations are generally on track for the holding of elections in January 2005. UNAMI guidance during the formative phase of institution-building has been critical, as has been the international expertise provided through Member States and other electoral organizations.

34. An electoral cluster was established under the United Nations Development Group Iraq Trust Fund within the International Reconstruction Fund Facility for Iraq. The cluster encompasses all necessary support activities to the Independent Electoral Commission for the preparation, administration and organization of the elections of January 2005. It also provides a series of indirect electoral activities such as enhancement of women's participation, national observation, media development, political entity development and support to vulnerable groups. To date the cluster has received voluntary contributions for a total of $110 million from the following donors: Australia, Belgium, Canada, Finland, India, Japan, New Zealand, Norway, Republic of Korea, Sweden, United Kingdom and the European Commission. The contributions are disbursed in projects and activities in support of the work of the Independent Electoral Commission, which are agreed upon with the Commission.

35. In setting up the electoral administration, the electoral component of UNAMI has provided advice on the institutional framework and functions. More than 600

staff have so far been recruited for the Commission's headquarters in Baghdad, the Kurdistan regional office, and offices in the 18 governorates.

36. Concurrently with the growth of the electoral administration, the international technical assistance under the coordination of UNAMI has been consolidated. The number of UNAMI electoral experts, which security restrictions had previously limited to 10, was raised in November to meet the growing needs; 19 electoral staff are now deployed in Baghdad and 11 in Amman. Three electoral staff are providing support from United Nations Headquarters. In addition, 13 experts from other agencies have joined the international electoral assistance team.

37. Training of election staff has been a high priority for the UNAMI electoral assistance programme. Induction training was provided in Amman to senior staff members of the Electoral Commission. Operational training for the voter registration process was conducted using a cascade model, with initial training of trainers in Amman, followed by a cascade of training throughout Iraq.

38. In parallel with establishing a new electoral administration across the country, the Independent Electoral Commission has developed the regulatory framework for the elections. The UNAMI electoral component has assisted in the development of the regulations, which cover the following areas: internal rules of procedure for the Electoral Commission; voter registration; the certification of political entities and coalitions and their candidate nominations, along with a code of conduct for political entities; accreditation of and codes of conduct for observers and agents of political entities; the electoral campaign; voter registration and the exhibition and challenge operations; governorate council elections; and out-of-country registration and voting. Regulations concerning elections offences and adjudication of disputes will shortly be finalized. Regulations governing polling and counting are under preparation. The regulation on the election for the Kurdistan National Assembly has recently been approved.

39. The public distribution system database, a copy of which was handed over to the Independent Electoral Commission at the end of August, has been transformed into a voter register. The process of amendment and correction of the register, known as voter registration, started on 1 November and will continue until 15 December. Registration information forms, showing the details of all eligible voters in each family, are being distributed to families together with their November food allocation. At voter registration centres throughout the country, eligible voters can amend their details if necessary, or, if their names are missing from the voter register, they can be added on production of appropriate documentation. Of the 542 planned voter registration centres, 458 have so far been established.

40. The period for the certification of political entities and coalitions, and the nomination of candidates, also began on 1 November. Groups from Al Anbar and Ninawa Provinces have requested special conditions, as the security situation has been an obstacle for fulfilling the administrative procedures for certification. The Commission has agreed, for the sake of inclusiveness, to extend the certification period of political entities in Al Anbar, Ninawa and Salah Ad Din Provinces from the original date of 30 November to 2 December. In addition, in order to provide additional opportunity for prospective candidates to come forward, the Electoral Commission has also decided to extend the certification period for the candidate lists of political entities and coalitions from 30 November to 10 December. As at

29 November, 240 entity certification applications have been received, 228 of which had received certification. The others have remained under consideration.

41. Increasing emphasis is being placed on the public information programme to ensure that the general public is informed about the electoral process. In addition, it was important to publicize and authenticate the Independent Electoral Commission. A total of $5 million was spent to bring the body and its role to the attention of the public. Subsequently, information has been disseminated on voter registration and the certification of political entities. Information campaigns have utilized posters, television commercials, frequently asked questions and fact sheets, presentations and the press. The Commission's public information programme has been supported throughout by the international assistance team.

42. Following a request from the Electoral Commission to the United Nations for the services of specialized consultants to present practical options on out-of-country voting, an initial assessment was conducted by the International Organization for Migration (IOM). The results were presented to the Electoral Commission on 29 October 2004. The IOM study outlined three possibilities: (a) no out-of-country voting at all; (b) limited out-of-country voting for the January elections; or (c) no out-of-country voting for the January elections but more comprehensive out-of-country voting for future elections, with planning and preparation starting immediately. The Electoral Commission chose option (b), which it felt would meet the significant and immediate demand for enfranchising Iraqis living abroad.

43. Although limited, this option nevertheless requires substantial financial resources (between $90 million and $100 million). The Electoral Commission met with the Interim Government, which indicated that it would provide the necessary funds. UNAMI advised against the adoption of an out-of-country voting process for a variety of administrative and technical reasons. However, the Independent Electoral Commission is the sole body with the authority to make decisions on all matters of policy related to elections. Its decision on this matter will be respected by the United Nations. Consequently, the UNAMI electoral component has continued to provide the necessary technical support and advice to all electoral preparations, including the out-of-country electoral programme.

44. Given the volatile security situation across the country, robust election security is fundamental for putting the electoral structures in place and sustaining the operations leading to elections. Early in the process an electoral security planning team was established with the participation of the Independent Electoral Commission, the Iraqi security agencies and the multinational force to provide security for electoral staff, voters and candidates. The Iraqi security forces, with the support of the multinational force, are prepared to provide assistance on security within agreed parameters consistent with international electoral standards.

45. While the threat level to the electoral process is high, the actual number of incidents thus far has been limited. Electoral structures have been established in all governorates. However, in Al Anbar, particularly in Ramadi and Fallujah, they are fragile. In the Ninawa governorate, the group led by Abu Musab al-Zarqawi threatened the election office, which led to the resignation of the majority of the staff. New staff have been recruited. The office is in the process of being re-established. The Ninawa governorate has also been affected by the recent fighting in Mosul. A few other minor incidents across the country have come to the attention of the Electoral Commission and UNAMI.

46. With the exception of Al Anbar Province, it should be noted that all election materials required for operations for this stage have reached their destinations intact. However, a recent attack on a food warehouse in Mosul resulted in the destruction of a large number of that city's registration information forms. The fact that the number of incidents has been limited so far should not deflect attention from the very tense security environment.

47. One of the immediate challenges in institutionalizing the election process has been to establish and consolidate the legitimacy and authority of the Electoral Commission. UNAMI has strongly emphasized, through its contacts with the Government, political parties, civil society, Member States and international organizations, the need to ensure that the Commission maintains its independence and autonomy.

48. Despite the progress made in the electoral process, the difficulties that lie ahead should not be underestimated. Public expectations of the elections are high and the obstacles significant, particularly since the security situation remains volatile. My Special Representative and his Chief Electoral Officer are mindful of the challenges that lie ahead but are prepared to engage the resources of the United Nations to continue to support the objectives and decisions of the Independent Electoral Commission.

C. Capacity-building and humanitarian assistance

49. Humanitarian, reconstruction and development activities inside Iraq remain constrained by the security situation and the resulting limitations on the number of staff deployed inside Iraq. Recent kidnappings and murders of national and international aid personnel demonstrate the increased risk to which international agencies operating in Iraq are exposed. This has prompted more international agencies to cease operations in November.

50. The United Nations, through a number of agencies, programmes and IOM, has focused on a broad range of capacity-building activities in collaboration with the respective line ministries. An extensive training programme comprising over 46 workshops across UNAMI clusters, involving 11 ministries and other government bodies, was successfully completed during the reporting period.

51. Despite the fragile security environment the United Nations was able to continue reconstruction and rehabilitation efforts throughout Iraq in partnership with international and national non-governmental organizations as well as private contractors. Those activities included the rehabilitation of schools; strengthening vocational education; building capacity in the Ministry of Health, including both the central public health laboratory and the central blood bank in Baghdad; rehabilitation of water treatment plants; rehabilitation of power plants and upgrading of transmission systems; construction of housing projects for selected vulnerable groups in urban centres; supporting the public distribution system and the procurement and delivery of food items; capacity-building support to the National Mine Action Authority; protection and material assistance to internally displaced persons and returning Iraqi refugees; capacity-building support for the Ministry of Displacement and Migration and other Iraqi counterpart authorities; support for the creation of employment opportunities; capacity-building support to the Ministry of Labour and Social Affairs; capacity-building support to the Ministry

of Planning and Development Coordination; support to civil society through professional organizations and women's groups; and support to the electoral process, including voter education programmes for women.

52. Through the Emergency Coordination Group, United Nations agencies and their partners assess, plan and deliver humanitarian assistance through available channels, such as ministries, local non-governmental organizations, local staff of international non-governmental organizations and the Iraqi Red Crescent Society. Civil-military coordination links have been established with the multinational force in Baghdad, facilitating dialogue on a range of issues, including humanitarian access. During crisis situations, emergency working group meetings are held several times a week, while humanitarian bulletins and situation reports are published almost daily on the Internet at www.uniraq.org.

53. A total of 4.5 million children, covering a majority of children 5 years old and under, received two doses of polio vaccine through a national campaign undertaken all across Iraq from 4 to 9 September, led by the Health Ministry and supported by the United Nations.

54. The crisis in Fallujah has generated a larger number of people in need of assistance than previously estimated. In a preliminary assessment, IOM found that approximately 220,000 inhabitants of Fallujah had become internally displaced. This has placed additional demands on the capacity of the Interim Government and international assistance mechanisms as well as host family resources.

D. International Reconstruction Fund Facility for Iraq

55. The donor committee of the International Reconstruction Fund Facility for Iraq held its third meeting in Tokyo on 13 and 14 October, where donors were updated on World Bank and United Nations Development Group Trust Fund activities. Over $600 million has been pledged so far, of which $447 million has been received from donors. During the meeting, the Islamic Republic of Iran pledged $10 million to the United Nations reconstruction efforts in Iraq, thus becoming a new member of the donor committee. Australia, Denmark, New Zealand, the Republic of Korea and the European Union recently pledged funding to electoral assistance activities. Since the establishment of cluster 11 in August 2004, more than $46 million has been committed in support of the Independent Electoral Commission. At the meeting, the Interim Government presented the national development strategy for Iraq. The United Nations provided assistance in the formulation of the strategy at the request of the line ministries.

56. Overall, United Nations agencies have now programmed over $490 million in 48 projects, of which $103 million has been committed and $20 million disbursed. It is assisting key Iraqi ministries to work with the United Nations Development Group as one entity facilitating collaborative joint programming. It is expected that $143 million will be committed to projects by the end of 2004.

E. Human rights activities

57. The high level of violence in certain parts of the country and widespread challenges to the rule of law raises significant human rights concerns, including

increased restrictions on basic freedoms concerning movement and information and access to education, health and employment. The recent surge in fighting in many urban areas and air bombardment of targets in Najaf, Tall Afar, Samarra, Sadr City, Fallujah, Mosul and other towns has also caused civilian casualties and the destruction of civilian infrastructure.

58. Individuals associated with the Interim Government, the multinational force, international organizations and non-governmental organizations have been the victims of killings and kidnappings. Iraqi and foreign hostages have been executed. There are reports of tensions among national groups, particularly in areas around Kirkuk. Many Iraqi Christians targeted by extremist religious groups have temporarily moved to neighbouring countries or to safer areas in the Kurdish governorates.

59. The search for security should not result in an erosion of human rights guarantees at a time when the re-establishment of the rule of law faces formidable challenges. This situation is compounded by inadequately trained and insufficient numbers of law enforcement personnel — many existing members and recruits of the new Iraqi police are continuously targeted. Legal and judicial reform, accompanied by further training of judges, prosecutors and lawyers, is needed to bring Iraqi legislation and judicial practices into compliance with international human rights standards. The Minister of Human Rights and the Minister of Justice have demonstrated a keen interest in bringing national legislation into line with international human rights standards by ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

60. On 16 November, the United Nations High Commissioner for Human Rights publicly expressed concern about the situation in Fallujah. She expressed concern at the lack of information regarding the number of civilian casualties. In addition, she considered that all breaches of international humanitarian law and human rights law — including deliberate targeting of civilians, the killing of injured persons and the use of human shields — had to be investigated and those responsible for breaches brought to justice.

61. In order to support the Interim Government in addressing the many human rights challenges facing the country, the UNAMI Human Rights Office and the Office of the High Commissioner developed a human rights programme for Iraq to coordinate the interventions of the United Nations country team and other partners in promoting human rights and the rule of law. The United Nations Development Fund for Women set up a network of gender focal points within the ministries, organized training activities and launched a project to enhance women's participation in elections. UNICEF, together with the Ministry of Municipalities and Public Works, is implementing a project on juvenile justice. The United Nations Environment Programme has begun a project on the rehabilitation of marshlands, restoration of habitat and return of the original inhabitants. UN-Habitat held a symposium on housing rights in Amman. The Office of the United Nations High Commissioner for Refugees worked closely with the Ministry of Displacement and Migration supporting it in defining a strategy for internally displaced persons. The United Nations Development Programme was a partner in many of those activities and is also working on media development. UNAMI maintains close contact with the Ministry of Human Rights to provide advice and materials.

62. An expert consultation on missing persons was organized by the United Nations on 8 and 9 November in Amman to assist and support the Interim Government in establishing a national centre on enforced or involuntary disappearances. There was an emerging consensus regarding the establishment of such a centre. A follow-up meeting will be held in January in Amman.

F. Public information activities

63. The UNAMI Public Information Unit has worked on generating a better public understanding of the United Nations mandate in support of the transitional political process in Iraq. It has also sought to highlight the efforts of the United Nations aimed at providing support for reconstruction and humanitarian activities. UNAMI has engaged the media through statements, interviews and background briefings for journalists to ensure accurate and relevant dissemination of information on its activities and mandate. It has also sought to address misconceptions about the United Nations through a coherent media policy based on access and substantive and timely engagement.

64. The Public Information Unit has set up a monitoring unit which collects and analyses information on the media and issues pertinent to the United Nations mandate in Iraq. This information is made available to key players in the United Nations and other users. Information kits about the work of various UNAMI clusters have been produced and circulated. The UNAMI web site is regularly updated incorporating new contributions. UNAMI organized two public information training workshops for Iraqi journalists in Amman. Activities in the next phase will focus on the implementation of a wide-ranging public information strategy. Elements of the strategy will include setting up institutional links between the United Nations and various Iraqi media and public information outlets. Lectures, seminars and conferences will be organized to ensure positive interaction between the United Nations and Iraqi media organizations and other public institutions. Through regional and international media UNAMI officials engage with the public to explain and further the political, electoral and humanitarian objectives of the Mission's mandate.

65. Given the isolation of the Iraqi media during the sanctions and the previous regime, UNAMI will encourage capacity-building with interested members of the Iraqi journalist community. Training of Iraqi journalists and public information officers will be an essential component of the public information strategy.

G. Administrative support

66. UNAMI continued to maintain its headquarters in Baghdad. It also has offices in Amman and Kuwait. Planning and preparations for the establishment of two regional offices in Basrah and Arbil are under way, as circumstances permit. At this time, the premises in Baghdad (for UNAMI headquarters) and Basrah (for a small United Nations detachment) have adequate working facilities and logistical support, with communications installed. Several projects related to infrastructure development for enhancing workspace and living accommodation in compliance with United Nations security standards have been undertaken. The Administration continues to provide support to the Independent Inquiry Committee on the Iraq oil-

for-food programme. The restrictions on the movement of United Nations staff as a result of the current security situation in the country highlight the continuing importance of the UNAMI offices in Kuwait and Jordan.

H. Agreements

67. During the reporting period, negotiations were concluded with Kuwait with a view to facilitating UNAMI activities in that country. It is hoped that the agreement will enter into force in the near future. An agreement for the UNAMI office in Jordan was signed and entered into force during the previous reporting period. A status-of-mission agreement with the Interim Government remains under negotiation. Bilateral agreements for logistical support services are currently under negotiation with the United States, the United Kingdom and other States that are contributing armed forces to the multinational force. I would like to thank the Governments of Iraq, Jordan, Kuwait, the United Kingdom and the United States for their continuing cooperation and support to the Mission under difficult circumstances.

I. Facilities

68. My Special Representative and his team, including an administrative detachment, are located in Baghdad. The humanitarian/reconstruction staff are co-located with the United Nations agencies in Amman. A logistics support base continues to operate from Kuwait. The Canal Hotel facility in Baghdad is being used to warehouse most of the equipment and supplies that were retained from the previous operation and now serves as a logistics base for the UNAMI headquarters at the Diwan School complex within the international zone in Baghdad. A number of national staff continue to work at the Canal Hotel facility, under extremely challenging conditions.

V. Observations

69. With the planned elections, Iraq is approaching a key point in the transitional political process. The Iraqi people have a shared interest in building a broad national consensus to realize the potential of a stable and unified Iraq at peace with itself, its neighbours and the wider international community.

70. Credible and inclusive elections are the keystone for achieving legitimacy and stability in Iraq. As such, they will be the foundation for the next chapter in Iraq's history. The men and women elected to the Transitional National Assembly are to be entrusted with writing the future of Iraq in the constitution. The kind of constitution that emerges will shape the country and, through it, the region for a long time to come. The Interim Government of Iraq has made a strong commitment to holding the elections and has supported the role of the Independent Electoral Commission in organizing and conducting the elections. I welcome this commitment and support.

71. The United Nations is playing a full role in helping with the technical and operational preparations for elections. Elections also require a conducive political and security environment, including the participation of all sectors of society and all

areas of the country. The widespread insecurity in Iraq, including intimidation, hostage-taking, targeted and indiscriminate attacks on civilians and brutal acts of terror, is a major obstacle. At the same time, while restoring security throughout Iraq has become an imperative need, the use of military force should be a last resort and undertaken in strict conformity with international humanitarian and human rights law.

72. The overriding concern of the United Nations is the safety and protection of civilians caught in the crossfire of the current conflict. It is essential that every effort be made at all times and by all sides to spare civilian lives and to provide immediate relief and assistance to those affected by violence and military action.

73. If elections are to have an optimal impact, there is a need for sustained political efforts aimed at making the transition as inclusive, participatory and transparent as possible. The electoral process must offer an opportunity for all Iraqis to participate in the constitutional process that is to follow. I welcome the efforts undertaken by the Interim Government of Iraq so far in this regard. I encourage the Interim Government, together with the Interim National Council, to reach out even more broadly to all segments of Iraqi society, in an effort to promote genuine political dialogue. The aim should be to create incentives for Iraqis to converge towards national reconciliation and peaceful political competition through the ballot box.

74. For all sides in Iraq, coming together as a people and talking to each other is the need of the hour. The political transition should be inclusive, so as to heal Iraq's wounds rather than prolong its suffering. Iraqis need to be reassured that the transition process is on track, enabling them to see light at the end of the tunnel. This requires simultaneous progress in three mutually reinforcing areas: the security, political and economic areas. The three dimensions should be addressed at the same time with equal attention.

75. It is time for the international community to close ranks in support of Iraq's political and economic reconstruction. The international community shares a compelling stake in seeing Iraq's political transition succeed. Resolution 1546 (2004) has given us common ground to achieve this goal.

76. The more Iraqis can be helped to help themselves, the better able they will be to regain full ownership of their own affairs. The challenge is for Iraq's neighbours, the international community and the United Nations each to play their part to help the Iraqis achieve their potential. Just as Iraqis must take leadership and ownership inside Iraq, the neighbouring countries must take the lead in helping to normalize Iraq's relations with the region and the international community. Neighbouring countries have legitimate concerns and should be heard. Iraq's neighbours need a stable Iraq as much as Iraq needs a stable region. Iraq and its neighbours have a mutual responsibility towards each other. The international ministerial meeting held on 23 November in Egypt and the meeting of Ministers of the Interior of Iraq's neighbours are important building blocks towards confidence-building.

77. The multinational force, which continues to be a major presence in the country, has been mandated by resolution 1546 (2004) to contribute to the maintenance of security and stability in Iraq in support of the political transition, especially for upcoming elections, and to provide security for the United Nations presence in Iraq. For its part, the United Nations, which has only a limited presence

because of the prevailing circumstances, is determined to do its utmost to implement the mandate entrusted to it under resolution 1546 (2004). We have remained engaged throughout the crisis, from both inside and outside Iraq. As circumstances permit, my Special Representative and UNAMI remain committed to doing everything possible, in fulfilment of our mandate, to support the Interim Government and the Iraqi people in the transition process.

78. I believe that the United Nations has been able to deliver effective support for Iraq's transition. In coordinating humanitarian and reconstruction assistance, as well as by ensuring that electoral preparations are in place, we continue to work closely with the Iraqi authorities. Every effort is being made, in consultation with the Interim Government and the multinational force, and taking into account the views and needs of Iraqi civil society, to maximize the possibilities for us fully to implement our mandate, while carefully assessing the risks we are facing.

79. With support inside and outside Iraq, I am confident we can do our part in helping the Iraqi people. For my part, I remain committed to doing my utmost, as circumstances permit, to help promote peace, stability and development in a unified Iraq. Seeing Iraq's transition succeed must be a common endeavour, shared by the Iraqi people and the international community as a whole.

United Nations S/2004/960

Security Council

Distr.: General
9 December 2004

Original: English

Letter dated 6 December 2004 from the Permanent Representative of Serbia and Montenegro to the United Nations addressed to the President of the Security Council

I have the honour to transmit to you the conclusion of the extraordinary session of the Government of the Republic of Serbia, held on 4 December 2004 (see annex).

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Nebojša **Kaludjerović**
Permanent Representative

04-64037 (E) 091204

Annex to the letter dated 6 December 2004 from the Permanent Representative of Serbia and Montenegro to the United Nations addressed to the President of the Security Council

Pursuant to Articles 29 and 30 of the Law on the Government of the Republic of Serbia (*Official Gazette of the Republic of Serbia*, Nos. 5/91 and 45/93),

the Government of the Republic of Serbia has adopted the Conclusion concerning the appointment of Ramush Haradinaj as the Prime Minister of Kosovo and Metohija.

The Conclusion was supported by the President of the Republic of Serbia, Boris Tadić, the Speaker of the National Assembly of the Republic of Serbia, Predrag Marković, the Minister of Foreign Affairs of Serbia and Montenegro, Vuk Drašković, the Minister of Defence of Serbia and Montenegro, Prvoslav Davinić, and the President of the Coordinating Centre for Kosovo and Metohija, Nebojša Čović.

CONCLUSION

I

1) The authorities of Serbia, together with the authorities of the State Union of Serbia and Montenegro as well as those of the Federal Republic of Yugoslavia, have since October 2000 pursued a policy aimed to promote peaceful, negotiated and lasting solutions to the problems in Kosovo and Metohija. Their contribution to the implementation of the United Nations Security Council Resolution 1244 (hereinafter: Resolution 1244) materialised in numerous initiatives, documents and processes that supported the implementation of international standards in the field of human rights, democracy and the rule of law on the ground in Kosovo and Metohija, aimed at preserving and developing the multi-ethnic character of the Province. Such an approach was fully embraced in drafting the Constitutional Framework for Kosovo and Metohija, the adoption of the FRY-UNMIK Common Document on the implementation of the Resolution 1244, as well as the adoption of the Serbian government plan addressing the situation in Kosovo and Metohija immediately after the violent events that took place in March 2004.

2) The Government of the Republic of Serbia notes with regret that the international civilian presence (UNMIK) in Kosovo and Metohija failed to demonstrate proper interest or understanding for the constructive proposals put forward by our authorities. Instead, they focused on uncompromising demands by the Albanian side in Kosovo and Metohija. What such a strategy actually made possible was that the ethnic structure of the Province, even though altered substantially after the Kosovo Serbs were forcibly driven out and expelled from their homes, could be presented as Kosovo's genuine reality. The anti-Serb pogrom on March 17 and March 18, orchestrated by ethnic Albanian extremists, could not be hidden from the democratic world. It was not only the culmination of violence, but rather the usual pattern of behaviour of Albanian extremists towards the Serb community in the Province.

3) It is unacceptable to the Government of the Republic of Serbia that the Parliament of Kosovo and Metohija elected Ramush Haradinaj as Prime Minister, despite his criminal past before, during and after the war. A total of 108 crime reports were filed against him. The War Crimes Panel of the Belgrade District Court has initiated an investigation into Haradinaj's alleged involvement in war crimes, ordered detention and issued a warrant for his arrest. The Hague Tribunal is conducting its own investigation concerning this person. The fully legitimate question is what kind of message his election is sending to the Serbs in Kosovo and Metohija, to the Republic of Serbia and the State Union, the region and the world at large. More specifically, what kind of message is the international administration in Kosovo and Metohija going to receive?

4) In spite of the fact that the highest-ranking international representatives in Kosovo and Metohija have chosen to turn a blind eye to the latest development, the state authorities of Serbia firmly believe that democracy and formal procedures cannot be used as a pretext to elect Ramush Haradinaj as the Prime Minister of Kosovo and Metohija.

In view of the above, the Government of the Republic of Serbia denounces the election of Ramush Haradinaj as the Prime Minister of Kosovo and

Metohija, as it most directly undermines the process of jointly seeking solutions to the problems in the Province.

II

In that respect, the Government of the Republic of Serbia wishes to make the following demands:

1) That the Special Representative of the U.N. Secretary-General, in line with his mandate under the Resolution 1244, revoke the provocative and risky decision to elect Ramush Haradinaj as Prime Minister of Kosovo and Metohija;
2) That a meaningful political process, including a dialogue on decentralisation and other key political issues regarding Kosovo and Metohija, be launched immediately, involving representatives of UNMIK, the provisional institutions, Kosovo Serbs, the Republic of Serbia and the State Union of Serbia and Montenegro;
3) That the talks be closely monitored and steered by the Contract Group;
4) That the U.N. Security Council, taking into account the principles and purposes of the United Nations and its responsibility for the promotion of human rights and maintenance of international peace and security, monitor and control the implementation of the Resolution 1244 with the utmost responsibility;
5) That the international organisations in Kosovo and Metohija the purpose of which is to promote democracy, rule of law and human rights, including the OSCE and the Council of Europe, voice clearly their position concerning the election of Ramush Haradinaj as the Prime Minister of Kosovo and Metohija;
6) That the European Union re-evaluate a European perspective for Kosovo in light of the fact that the highest-ranking executive office holder has been accused of the gravest crimes.

III

The Government, along with all state institutions of the Republic of Serbia, will continue to contribute fully to solving the problems in Kosovo and Metohija, with a view to preserving its multiethnicity and ensuring a peaceful and democratic future for the Province.

IV

The Conclusion shall be forwarded to the National Assembly, the President of the Republic, the Council of Ministers, the Coordinating Centre for Kosovo and Metohija and to all ministries and special organisations of the Republic of Serbia.

05 No. 02-8118/2004
Belgrade, December 4, 2004

GOVERNMENT OF THE REPUBLIC OF SERBIA

Vojislav Koštunica
Prime Minister

United Nations S/2004/961

Security Council

Distr.: General
8 December 2004

Original: English

Seventeenth report of the Secretary-General pursuant to paragraph 14 of resolution 1284 (1999)

I. Introduction

1. The present report is submitted pursuant to paragraph 14 of Security Council resolution 1284 (1999), in which the Council requested me to report every four months on the compliance by Iraq with its obligations regarding the repatriation and return of all Kuwaiti and third-country nationals or their remains and every six months on the return of all Kuwaiti property, including archives, seized by Iraq. The present report covers both issues and provides a brief account of the relevant developments since my last reports (S/2003/1161 and S/2004/645).

II. Background

2. On 19 August 2004, the High-level Coordinator, Yuli Vorontsov, presented my sixteenth report (S/2004/645) to the Security Council.

3. On 14 September 2004, the Council of the League of Arab States, meeting in Cairo at the level of Foreign Ministers, in a resolution regarding developments in Iraq condemned serious violations of human rights during the occupation of Kuwait and the concealment of facts related to the prisoners and missing Kuwaitis by the former Iraqi regime. The Arab League Council expressed deep condolences to the families of the victims whose remains had already been identified. It also voiced concern about the fate of those whose whereabouts remained unknown. The Council called for making every effort to find out about the fate of all missing Kuwaitis and third-country nationals.

4. The Ministers for Foreign Affairs of the States members of the Organization of the Islamic Conference, in the final communiqué of their annual coordination meeting held in New York on 28 September 2004, strongly condemned the killing of Kuwaiti and Iranian prisoners of war and third-country nationals by the former Iraqi regime. The Ministers called for bringing the perpetrators of those crimes against humanity to trial.

5. Addressing the fifty-ninth session of the General Assembly on 23 September 2004, the Minister for Foreign Affairs of Kuwait, Sheikh Mohammad al-Sabah al-Salem al-Sabah, on behalf of the people and Government of Kuwait, expressed appreciation to the United Nations, the Non-Aligned Movement, the Organization of the Islamic Conference, the League of Arab States and the Gulf Cooperation

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Council for their continued support and solidarity in condemning the previous Iraqi regime for killing the prisoners and concealing this crime for more than a decade in flagrant violation of international humanitarian law. At the same time, he was grateful to the Interim Government of Iraq for its efforts to ascertain the fate of the prisoners.

III. Recent activities with regard to the repatriation and return of all Kuwaiti and third-country nationals or their remains

6. In letters dated 31 August, 20 September, 27 September and 6 December, the Permanent Representative of Kuwait to the United Nations informed the High-level Coordinator that the total number of identified remains had risen, respectively, to 177, 190, 199 and, most recently, 209. The names corresponding to the latter figure are listed in annex I to this report. It is noted that some remains were those of citizens of Egypt, the Islamic Republic of Iran, Lebanon, Oman and Saudi Arabia.

7. From 19 to 22 November 2004, the High-level Coordinator visited Kuwait. He was received by the Minister for Foreign Affairs, and had a meeting with members of the Kuwaiti National Committee for Missing Persons and Prisoners of War Affairs. He was told that, despite the difficult security situation in Iraq, the Kuwaiti technical teams had been able, albeit with interruptions, to continue the assessment and exhumation activities at grave sites in Iraq for which permission had been granted by the Technical Subcommittee of the Tripartite Commission.

8. The Coordinator was advised that, in addition to the four sites where exhumations had continued or had been completed, Kuwait had reliable information about the presence of human remains of Kuwaiti nationals at two other grave sites in Iraq. Overall, 346 mortal remains had been found, of which 209 had been identified and announced, as at 7 December 2004. Thus, more than one third of the missing persons are now accounted for.

9. The members of the Kuwaiti National Committee reiterated that progress in finding human remains and bringing them to Kuwait would not have been possible without the cooperation extended to the Kuwaiti technical teams by the multinational force in Iraq, especially the American, British, Polish and Italian contingents. The members of the Committee also stressed the constructive attitude of the Interim Government on the issue. They appreciated the moves made by the Iraqi authorities and individuals, which had led to the recovery of many mortal remains.

10. In this connection, I received a letter dated 31 August 2004 from the Minister for Foreign Affairs of Iraq, Hoshyar Zebari, in which he referred to the cooperation and facilities offered by Iraq to the Kuwaiti National Committee and noted the fact that the remains of more than 150 Kuwaitis had been found in the mass graves uncovered by the Iraqi authorities. On behalf of the Interim Government, the Minister for Foreign Affairs expressed Iraq's "earnest desire to demonstrate good will" and close the files related to the Kuwaiti detainees and Kuwaiti property. In my reply to the Minister, I encouraged the Government of Iraq to do its utmost to accomplish the humanitarian task of the search for and the repatriation of Kuwaiti and third-country nationals or their remains, and to cooperate in this regard with the Government of Kuwait and its special teams. I expressed the hope that progress would be made in the search for the Kuwaiti national archives stolen by the previous regime and their return to Kuwait.

11. On 24 November, the 27th meeting of the Tripartite Commission, attended by representatives of France, Iraq, Kuwait, Saudi Arabia, the United Kingdom of Great Britain and Northern Ireland, the United States of America and the International Committee of the Red Cross (ICRC), was held at Geneva. For the first time the Iraqi side was represented by the delegation of the Interim Government and no longer by the Coalition Provisional Authority. The Iraqi delegation was headed by the Minister of Human Rights of Iraq, Bahtiar Amin, thus underlining his personal as well as the Interim Government's strong interest in resolving the humanitarian issue of Kuwaiti and third-country missing persons. At a meeting with Ambassador Vorontsov on the sidelines of the Tripartite Commission, Mr. Amin reaffirmed Iraq's commitment to work together with all parties concerned in clarifying the fate of all missing persons regardless of their nationality.

12. As mentioned in a number of previous reports (inter alia, S/2000/347 and Corr.1, para. 28, and S/2002/419, para. 19), the former Iraqi regime had submitted to ICRC a request to ascertain the fate and whereabouts of more than 1,000 Iraqis unaccounted for after the withdrawal of Iraqi forces from Kuwait. It is my understanding that the Tripartite Commission established to deal with the cases from the 1990/91 Gulf war continues to address these matters. Also, I am aware that the High-level Coordinator was told by Kuwaiti officials that, although they did not consider themselves legally responsible for the missing Iraqis while Kuwait was under occupation, they were investigating the cases of those Iraqis killed and allegedly buried in Kuwait (see S/2003/1161).

13. During his visit to Geneva, the Coordinator had a meeting with the Executive Secretary of the United Nations Compensation Commission regarding the status of the claims submitted in respect of the 605 former detainees determined to be dead. The Executive Secretary advised Ambassador Vorontsov that the Commission expected to complete the processing of those claims by the end of 2004 so that the Governing Council of the Compensation Commission would be in a position to consider the relevant recommendation at its session in June 2005.

14. The case of the missing American serviceman, Captain Michael Scott Speicher, remains open. It is being addressed by the United States at the Tripartite Commission meetings. The search for Captain Speicher continues.

IV. Recent activities with regard to the return of Kuwaiti property

15. A measure of progress has been achieved with regard to the return of Kuwaiti property seized by the previous Iraqi regime. On 28 April 2004, the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations informed Ambassador Vorontsov that the Iraqi authorities had found about 3,200 books belonging to the Library of the National Assembly of Kuwait. The Chargé d'affaires requested Ambassador Vorontsov to facilitate the return of these books to the State of Kuwait. Furthermore, it was indicated in a letter dated 31 August addressed to me by the Minister for Foreign Affairs of Iraq that "metal boxes containing valuable and precious books" belonging to Kuwait had also been discovered.

16. The mechanism and modalities of the transfer of the above-mentioned property was agreed through subsequent communications between the two Governments, the multinational force and the High-level Coordinator. It was decided that the handover would take place in Kuwait on 21 November 2004 and that the Coordinator would be present to observe the operation. On 16 November, the Coordinator received a letter from the Permanent Representative of Iraq to the United Nations informing

him that the property in question would be transported to Kuwait on an American aeroplane accompanied by a delegation from the Ministry of Foreign Affairs of Iraq.

17. The above-mentioned property arrived in Kuwait on 21 November and the transfer took place on 22 November at a designated site at the Kuwait International Airport. Iraqi and Kuwaiti officials participated in the transfer which was witnessed by the Coordinator. A representative of the United States Embassy in Kuwait was also present. I am grateful to the Government of the United States for its practical assistance in bringing the above-mentioned items to Kuwait.

18. The Iraqi delegation brought a detailed packing list of 16 cardboard boxes containing books for the Library of the National Assembly of the State of Kuwait and 15 metal boxes containing books for the Kuwaiti National Museum — a total of 5,400 books.

19. While a few boxes were open, the Kuwaiti side decided not to inspect all of the contents on the site. When the two delegations signed the document acknowledging the transfer of the books (annex II), the parties recognized that a thorough inspection of the returned items had not been feasible at the delivery site. Therefore, the Government of Kuwait asserted its right to submit to the United Nations within 45 days of the handover operation any observation pertaining to the authenticity of the returned items. The High-level Coordinator also signed the transfer document.

20. During the transfer, the Coordinator observed that the return of books constituted an important confidence-building measure on the part of the new Government of Iraq. He was hopeful that this positive move would be followed by the discovery and return of the Kuwaiti national archives which represented the memory of the country. The head of the Iraqi delegation stated that Iraq was committed to the search for and return of Kuwaiti property.

21. During the reporting period, the Coordinator made efforts to facilitate the resolution of the issue of spare parts belonging to the Kuwait Airways Corporation which were stolen from Kuwait in 1990/91 by the previous Iraqi regime. The spare parts were reported to be on board the two Boeing-747 aircraft of the Iraqi Airways Corporation stationed in Tozeur, Tunisia (see S/2003/1161, paras. 49-53).

22. While in New York in August 2004, Ambassador Vorontsov discussed the matter with the Chargés d'affaires a.i. of the Permanent Missions of Tunisia, Kuwait and Iraq to the United Nations. In a letter to the High-level Coordinator dated 19 August 2004, the Chargé d'affaires a.i. of the Permanent Mission of Tunisia to the United Nations stated, on behalf of his Government, that Tunisia wished that a solution be found as soon as possible to the issue of the Iraqi aircraft stationed in Tunisia since 1990.

23. The Tunisian Chargé d'affaires also noted, among other things, that the question of spare parts was the responsibility of the Iraqi Airways Corporation, which had a detailed inventory of the baggage compartments of the aircrafts, particularly since the inspections and assessments had been conducted by the representatives of the Corporation, notably on 30 October 2003. He stressed that Tunisia looked forward to finding a final solution to the issue in the very near future, and welcomed the Kuwaiti proposal to send to Tunisia a joint mission composed of Kuwaiti and Iraqi experts. Tunisia expressed its willingness to grant its assistance to all parties concerned.

24. Given Tunisia's position and having obtained the agreement of the Government of Kuwait, the High-level Coordinator wrote on 20 October 2004 to the Permanent Representative of Iraq to the United Nations suggesting that a joint Kuwaiti-Iraqi mission of experts be organized to travel to Tunisia to expeditiously deal with the issue of spare parts. He noted that the experts would need to have access to the baggage compartments of the aircraft belonging to the Iraqi Airways Corporation for its inspection. Ambassador Vorontsov emphasized that he would be available to travel with this joint mission to Tunisia. I take this opportunity to call on the Interim Government of Iraq to accept the Coordinator's proposal with regard to the Kuwaiti spare parts.

25. In another development, a number of valuable items, including gold and gold-plated crockery and cutlery, as well as swords and pocket watches — a total of 347 items, which had been stolen during the Iraqi invasion of Kuwait, were found and returned by the Islamic Republic of Iran in August 2004 to the Kuwaiti National Council for Culture and Arts through the Embassy of Kuwait in Tehran. This fact was reported to the High-level Coordinator by the Permanent Representative of Kuwait to the United Nations in her letter dated 29 September 2004.

V. Observations

26. The remains of Kuwaiti and third-country nationals continue to be repatriated to Kuwait and identified. More than 200 people from the initial list of 605 are finally resting in peace, ending years of anguish and uncertainty for their family members, who can finally grieve and start rebuilding their lives. Sadly, the closure has so far concerned only persons determined to be dead. It is apparent now that they had been executed. I once again condemn their senseless murder and offer my heartfelt condolences to their families. The perpetrators of these horrendous crimes should be brought to justice.

27. Progress in the discovery and identification of mortal remains is evidence of the enhanced cooperation that exists among the members of the Tripartite Commission and its Technical Subcommittee. The Commission remains the principal coordination and policy-making mechanism for dealing with the issue of persons unaccounted for since the 1990/91 Gulf war. The role played in these issues by ICRC is commendable.

28. The High-level Coordinator continues to work in close contact with the Commission and the Government of Kuwait. He will continue his dialogue with the Iraqi authorities. I am pleased that the Interim Government of Iraq is true to its stated commitment to assist in the search for the Kuwaiti prisoners of war and third-country nationals and the process of recovering their remains.

29. The transfer of property that took place in November 2004 in Kuwait is the first such action by the new Government of Iraq. It is certainly a demonstration of good intentions on the part of the Interim Government to recognize its obligations to Kuwait and the international community. This important step should trigger further efforts on the part of the Interim Government in finding other stolen items, foremost among them the Kuwaiti national archives, whose return Kuwait considers essential.

Annex 1

Names of Kuwaitis and third-country nationals whose remains have been identified

1. Saad Meshal Aswad Salamah Al-Enezi
2. Ahmed Abdullah Abdulrasul Al-Ghallaf
3. Saleh Ali Said Al-Hayani
4. Enam Said Ahmad Said Ismail Al-Edan
5. Abdullatif Hussein Al-Waheb
6. Naser Hussein Omaran Al-Enezi
7. Mahmoud Sayed Reda Sayed Hasan
8. Faihan Mohammad Laili Al-Mutairi
9. Nasser Sherif Fahed Al-Khaldi
10. Daad Omar Al-Hariri (Lebanese)
11. Jassem Hamid Abdallah Al-Samak
12. Safah Ibjad Aloush Al-Mutairi
13. Lafi Faihan Mohammad Laili Al-Mutairi
14. Abdul Rahman Saad Marzook Al-Otaibi
15. Mohammed Gazai Saad Ali Al-Mutairi
16. Farhan Harbi Saket Al-Dhafiri
17. Obaid Falah Husaini Al-Mutairi
18. Hamad Mohammad Ghuneim Al-Ajami
19. Taleb Amin Jassem Saleh
20. Fahed Sulayman Aswad Al-Enezi
21. Fahed Akil Rakan Al-Zufayri (Saudi citizen residing in Kuwait)
22. Misfir Mhana Misfir Al-Sharifa Al-Hayani
23. Nasser Ayed Duhayran Al-Oteibi
24. Mohammad Nasser Sharid Al-Ajami
25. Assal Turki Kusayman Al-Ajami
26. Abdallah Sulayman Abdallah Al-Amir
27. Abdulaziz Yussef Abdulaziz Alyamani
28. Amer Deydan Ali Al-Ajami
29. Sobhi Khalil Nousouhi Haydar (Lebanese)
30. Raja Hamud Saleh Al-Sahli
31. Khaled Saleh Al-Tuwaygeri

32. Adel Fahed Hamad Al-Hamad
33. Fahed Khalifa Jadlan Al-Mutayri
34. Salem Obeid Abdallah Al-Mutayri
35. Shojah Madi Omar Al-Ajami
36. Habib Saleh Al-Zaqah
37. Ali Abdallah Ali Al-Duwaysan
38. Maayuf Jaber Sahud Al-Harbi
39. Yaccoub Yussef Bader Al-Ustaz
40. Mansour Tulayhan Samar Al-Mutayri
41. Hamad Humaydi Ghazi Al-Otaibi
42. Mohsen Mohammad Mohsen Al-Ajami
43. Rajeh Zeyab Bedah Nahar Al-Mutayri
44. Mansour Faleh Nasser Al-Thaqeb
45. Ahmad Mahmoud Al-Hattab (Egyptian)
46. Jaber Helal Shedid Al-Shemary
47. Falah Jaser Saad Guniman Al-Mutayri
48. Jatly Mohammad Mejaed Al-Mutayri
49. Husain Salem Faza Al-Shamry
50. Khalifa Trak Suliman Al-Shamry
51. Adel Faleh Satam Al-Fadly
52. Adnan Mohamad Bahbahani
53. Tareq Falah Alaeban Al-Shamry
54. Hamoud Nafel Saeid Al-Harshany
55. Nabil Ali Ramadan Bushehry
56. Mutlaq Ali Salman Al-Adwani
57. Waleed Saad Mubarak Al-Asaf
58. Abdulah Fares Ayed Al-Shamry
59. Bader Nahar Mefrij Al-Mutayri
60. Matar Saket Mater Al-Mayai Al-Anezi
61. Waleed Ayoub Ismail Bander
62. Helal Saleh Malis Al-Mutayri
63. Abdulaziz Abdullalif Abdulaziz Al-Kharaz
64. Mubarak Saleh Herzan Malis Al-Mutayri
65. Hamoud Ebrahim Harfan Al-Sahly

66. Saad Murshid Jasir Al-Barazi
67. Raeid Abdulla Khalil Burashid
68. Saleh Hamoud Mansour Hamoud
69. Abdulmehdi Mehdi Ali Tahir
70. Hussam Mohammad Abdulmohsen Al-Oseimi
71. Abdalla Al-Oweyhan
72. Hussein Mohammad Jomah
73. Hassan Abdulmohsen Al-Ali
74. Mohammad Makboul Al-Otaibi
75. Ali Hassan Awad Al-Azmi
76. Hamoud Nassir Baanoun El-Enezi
77. Khalaf Akil Ali Al-Dhafiri
78. Saad Bashir Mubarak Al-Rashidi
79. Mohammad Rashid Nabi Al-Duwaila
80. Nawaf Abdulla Farraj Al-Mutairi
81. Saleh Mathal Jasser Al-Mutairi
82. Mohammad Ahmad Shaher Al-Sharifi
83. Abdulla Deydan Kazar Al-Dhafiri
84. Maged Jaber Fyhan El-Enezi
85. Tarek Mohammad El-Qahtany
86. Meshal Jazza El-Enezi
87. Fawzy Ali Ebrahim Al-Mulla
88. Saleh Naser Al-Khenah
89. Esam Yaccoub Saadallah
90. Meshal Yussef Ali Reda
91. Hany Ahmed Al-Musilikh
92. Ahmed Ali Al-Kandary (Iranian)
93. Abdulaziz Ali Mohammad Al-Khanini
94. Fauzi Ebrahim Abdullatif Al-Abed Al-Jalil
95. Mohammad Naeif Muthri Al-Shamry
96. Jamal Mubarak Muwanas Al-Muwanas
97. Salah Jassem Mandani Qassem Ghullam
98. Abdullah Shafi Hafiz Al-Shagban Al-Ajami
99. Qadir Abdulrahman Jassem Mustafa

100. Ismail Ebrahim Mohammad A. Al-Kandary
101. Yacoub Hussein Ali Akbar
102. Mohammad Ali Saleh Al-Zaqah
103. Ahmad Abdulla Mustafa Hadi
104. Waleed Feiruz Yaqout Al-Manea
105. Mohammad Ahmad Mohammad Al-Rashed
106. Saoud Abdulaziz Furaih Al-Kouh
107. Khaled Abdulaziz Furaih Al-Kouh
108. Ali Mohammad Ali Salem
109. Adnan Feiruz Yacout Al-Manea
110. Fahed Ali Kamikh Al-Dehani
111. Hani Feiruz Yacout Al-Manea
112. Mohammad Mutlaq Rumeih Al-Bathali
113. Hamad Muajeb Saad Al-Ajmi
114. Mutlaq Abdallah Mutlaq Al-Hajr Al-Mutairi
115. Zakaria Abdulqader Mohammad Al-Qaderi
116. Ahmad Saleh Aboud Al-Enezi
117. Ajmi Awajah Rashid Al-Rashidi
118. Shaker Abdallah Mohammad Al-Jedi
119. Nabil Mohammad Hassan Al-Sharaf
120. Hamoud Marzook Thamer Al-Fadly
121. Khaled Hussein Aoun Al-Atiyah
122. Maysam Rawdan Adnan Jodah Al-Shamry
123. Mohammad Hamoud Ayed Al-Aqail
124. Mohammad Jassem Khalf Al-Thanian
125. Mohammad Mrzook Mohammad Al-Mrzook
126. Mutlaq Abdul Rahman Mutlaq Al-Khalidi
127. Housain Mohammad Hosain Adab
128. Talal Hadi Al-Otaibi
129. Khaled Nasser Fahd Al-Ajami
130. Abdul Razzaq Abdullah Mubarak Al-Fawzan
131. Ali Husain Naserallah Boshahryary (Iranian)
132. Saoud Manea Mohammad Tahous
133. Khaled Ahmed Mohammad Al-Rashed

134. Hamoud Muhareb Ali Al-Shamry
135. Abdullah Fahm Moatesh Al-Mutairi
136. Srour Falah Srour Al-Rashaidi
137. Abdallah Wali Hizam Al-Shamry (non-Kuwaiti)
138. Nasser Fahed Mohammad Al-Ajami
139. Fahed Wali Hizam Al-Shamry (non-Kuwaiti)
140. Mohammad Faleh Abboud Al-Enezi
141. Faisal Ghali Ashwi Al-Dhafiri
142. Nasser Ali Nasser Al-Ajami
143. Nawaf Hamad Hussein Al-Ajami
144. Khaled Nasser Khaled Al-Subaii
145. Alnouri Khalaf Kuwayan Al-Dhafiri (Saudi)
146. Mansour Awad Mansour Al-Ajami
147. Fahed Alhailam Musmar Al-Dhafiri
148. Jamal Abbas Ghaloum Hussein
149. Abdulkarim Ali Khaled Mohammad
150. Mousa Ebrahim Suleiman Al-Khalifi
151. Abdulaziz Ebrahim S. Al-Badyawi (Saudi)
152. Abdulrazaq Dakhil Abdulrazaq Al-Tawalah
153. Hamad Mubarak Salem Al-Hajri
154. Khaled Ahmad Mubarak Al-Sharhan
155. Mohammad Serhan Aswad El-Enezi
156. Fahed Bashir Mubarak Al-Rashidi
157. Ahmad Abdulla Ahmad Al-Kandari
158. Dhafir Abdulhadi Dhafir Al-Rashidi
159. Hamdan Hamoud Ghazi Al-Otaibi
160. Mansour Faleh Nasser Al-Ajmi
161. Salah Ali Murshid Al-Rashidi
162. Meshal Obeid Hamdan Al-Otaibi
163. Hamoud Mohwis Saoud Al-Saidi
164. Mohammad Nasser Hazzah Al-Otaibi
165. Abdullah Salem Salem Gheith
166. Fahed Mohammad Abdulla Al-Khalidi
167. Faisal Zaid Sulaiman Al-Ajeel

168. Husam Ahmad Mohammad Al-Sayafi
169. Salah Abdulla Abdulrahman Al-Majid
170. Mohammad Ali Abdulla Burhameh
171. Nasser Mudaf Ahmad Khalfan
172. Safi Maatouk Aman Al-Felaij
173. Khaled Nouri Sulaiman Al-Qanai
174. Imad Yussef Saad Al-Rashid
175. Ahmad Hussein Bakr Al-Asfour
176. Ahmad Abdulrahman Abdulmohsen Al-Rifai
177. Khaled Ahmad Issa Matar
178. Ali Abdullatif Abdallah Al-Asfour
179. Imad Abdulwahab Hussein Al-Roumi
180. Sami Khalifa Ebrahim Al-Rashed
181. Esam Abdulwahab Hussein Al-Roumi
182. Salah Khalifa Abdalla Al-Derbas
183. Faisal Ahmad Hussein Al-Qattan
184. Jamal Abdul Hamid Essa Al-Attar
185. Mustafa Abdul Hamid Matar Al-Shatti
186. Shaheen Ahmad Majid Al-Shaheen
187. Fahed Ahmad Majid Al-Shaheen
188. Khaled Marzooq Zaid Al-Mutayri
189. Meshal Ahmad Thenian Al-Musailem
190. Ali Zaal Awad Al-Zufayri (Saudi)
191. Abdaliah Rahed Ahmad Al-Yacoub
192. Mohammad Naeif Abdallah Al-Enezi
193. Bader Abdallah Ahmad Al-Sharqawi
194. Mahmoud Naeif Abdallah Al-Enezi
195. Khaled Abdullatif Abdallah Al-Mari
196. Mohammad Yousef Said Albaloushi (Omani)
197. Hussein Abdel Amir Ali Mohammad (Iranian)
198. Fahed Ahmad Abdulmohsen Al-Abdulkarim
199. Rashed Zayed Mutlaq Al-Duwailah
200. Adel Ahmad Abdulaziz Al-Raqim
201. Rashid Mazeid Said Al-Mutairi

202. Abdulla Abdullatif Abdulla Al-Asfour
203. Waleed Hamad Al-Fahed Al-Hamad
204. Mohammad Abed Ridha Abbas Ghaloum
205. Samir Jasem Mahmoud Al-Saffar
206. Aref Ebrahim Youssef Al-Dhowaihi (Saudi)
207. Najim Taleq Saoud Al-Muweizri
208. Nasser Hazaa Zaid Alwaalan Al-Mutairi
209. Nasser Sulaiman Farah Al-Shamry

Annex II

Property of the State of Kuwait returned by the Government of the Republic of Iraq

Pursuant to paragraph 2 (a) of Security Council resolution 686 (1991) of 2 March 1991, paragraph 15 of Security Council resolution 687 (1991) of 3 April 1991 and paragraph 14 of Security Council resolution 1284 (1999), it is hereby certified that on 22 November 2004 at Kuwait International Airport, the Government of the State of Kuwait acknowledges delivery of the items returned by the Government of the Republic of Iraq which are listed in annexes A (related to items of Kuwait Museum) and B-C (related to items of the National assembly) of this document.

The aforementioned delivery took place in the presence of Ambassador Yuli M. Vorontsov High-level Coordinator for the return of Kuwaiti property.

بسم الله الرحمن الرحيم

Ministry Of Foreign Affairs
Department Of International Organizations

وزارة الخارجيـــــة
ادارة المنظمات الدولية

Note: **The parties acknowledge that a through inspection of the returned items was not feasible at the site of the delivery therefore, the Government of the State of Kuwait reserves the right to submit to the United Nations within forty five (45) days of the signed date any observations pertaining to the authenticity of the returned items, alleged loss, damage or alteration in respect of the items listed in Annexes A, B and C.**

Signed on 22 November 2004

For the Government of the Republic of Iraq

Abbas F. Al-Khafaji
First Secretary – MOFA

For the Government of the State of Kuwait

Salah H. Alsaif
Second Secretary – MOFA

For The United Nations

Amb. Yuli M. Vorontsof
High-level Coordinator

United Nations S/2004/962

Security Council

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Third progress report of the Secretary-General on the United Nations operation in Côte d'Ivoire

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1528 (2004) of 27 February 2004, by which the Council requested me to report to it every three months on the situation in Côte d'Ivoire, the implementation of the Linas-Marcoussis Agreement and the implementation of the mandate of the United Nations Operation in Côte d'Ivoire (UNOCI). This report covers major developments since my report of 27 August 2004 (S/2004/697).

II. Political and security developments

2. During the reporting period, the lack of progress in the implementation of the Accra III and Linas-Marcoussis Agreements, the launching of a military operation by the National Armed Forces of Côte d'Ivoire (FANCI) against Forces nouvelles positions in early November 2004, the ensuing violent disturbances in Abidjan and elsewhere and the escalation of rhetoric dealt a serious blow to the peace process. Since the outbreak of hostilities, actions by the African Union, the Economic Community of West African States (ECOWAS) and the United Nations have focused on the restoration of calm and security and on facilitating a resumption of dialogue among the Ivorian parties towards the implementation of the two accords.

3. As will be recalled, under the Accra III Agreement, signed on 30 July, the parties agreed, inter alia, that President Gbagbo should use the powers conferred on him by the Constitution to implement, by the end of September, the provisions in the Linas-Marcoussis Agreement regarding the revision of article 35 concerning eligibility to the presidency. In addition, it was agreed that the National Assembly would proceed with the adoption of all legal reforms envisaged under the Linas-Marcoussis Agreement by the end of August. The parties committed themselves to the commencement of the disarmament, demobilization and reintegration process, including by all paramilitary and militia groups, by 15 October 2004. Accordingly, on 9 August, President Gbagbo delegated powers to the Prime Minister to enable him to implement relevant provisions of the Linas-Marcoussis Agreement. On the same day, the Government of National Reconciliation resumed its functions.

4. An extraordinary session of the National Assembly was convened from 16 August to 28 September to proceed with the adoption of the envisaged

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constitutional and legislative reforms within the deadlines set by the Accra III Agreement. Only the draft law on the public funding of political parties and groups and electoral campaigns was, however, approved during the session. Furthermore, no progress was made before the 30 September deadline regarding the amendment of article 35 of the Constitution.

5. Despite the general improvement in security that continued from early September to mid-October, the situation remained tense in Man and around Guiglo where militias operated freely and carried out serious human rights violations against the civilian population, also restricting the movement of humanitarian agencies.

6. The level of cooperation between FANCI and the military elements of the Forces nouvelles also improved, culminating in the adoption of the Yamoussoukro Joint Declaration of 11 October 2004, in which the parties reaffirmed the decision made of the two military forces on 4 July 2003 not to resume armed hostilities as well as their commitment to the commencement of the disarmament process in October 2004.

7. However, the protracted lack of progress in the peace process impacted on the military and security situation with both FANCI and the military elements of the Forces nouvelles increasing their states of alert between September and October. Tensions mounted as the deadline for the disarmament process approached, and between 7 and 11 October, thousands of demonstrators gathered in the northern towns of Bouake, Man and Bouna where they protested the commencement of the disarmament process and the possibility of "forced disarmament". The demonstrations targeted both UNOCI and Licorne troops, who were forced to intervene to disperse the protestors. In Abidjan, groups of "young patriots" protested the delayed commencement of the disarmament process, but were contained by the Ivorian security forces.

8. The second ordinary session of the National Assembly opened on 6 October. On 9 October, the Secretary-General of the Forces nouvelles, Guillaume Soro, declared that the disarmament process would not commence on 15 October because the envisaged legislative reforms had not yet been implemented. Meanwhile, on 12 October, President Gbagbo publicly announced that the draft text for the amendment of article 35 would only be submitted to the National Assembly once the disarmament process had commenced and went on to cite article 127 of the Ivorian Constitution, which stipulates that no constitutional amendment may be pursued when there is a threat to the territorial integrity of the State. Despite meetings on 13 October, both parties maintained their stances.

9. Meanwhile, several initiatives were undertaken to move the Ivorian peace process forward. In early October, during a three-day visit to Côte d'Ivoire, President Kabbah of Sierra Leone discussed with President Gbagbo, the Prime Minister, opposition leaders and senior Ivorian officials ways to overcome the impasse.

10. At the end of September 2004, I requested my Special Representative for Côte d'Ivoire, Albert Tévoédjré, to consult with regional Heads of State on how to revitalize the Ivorian peace process. From 4 to 23 October, he met with the Presidents of Benin, Burkina Faso, the Congo, Gabon, Ghana, Mali, Niger, Nigeria, Sierra Leone, South Africa and Togo, and with the Foreign Minister of Angola, as

well as with the Executive Secretary of ECOWAS, Mohammed Ibn Chambas. The regional leaders indicated their grave concern at the lack of political will of the Ivorian parties to fulfil their commitments under the Accra III and Linas-Marcoussis Agreements. There was also a general consensus that strong pressure needed to be exerted on all the Ivorian parties to fulfil those commitments and it was suggested, in that context, that the Security Council should take appropriate action.

11. Meanwhile, the presence of roadblocks and checkpoints throughout the country, manned either by law enforcement agents or by militias, continued to restrict the movement of United Nations staff. In an incident on 23 October, armed FANCI security personnel surrounded a UNOCI aircraft on the ground in Yamoussoukro, en route to Bouaké, and attempted to interrogate the five Forces nouvelles personnel on board. Following intervention by UNOCI, the aircraft was eventually allowed to proceed.

12. On 26 October, the Forces nouvelles claimed to have discovered a large quantity of weapons and ammunition hidden in a white truck entering Bouaké. This led to the suspension, on 28 October, of the Forces nouvelles Ministers participation in the Government of National Reconciliation. The Forces nouvelles declared a "state of emergency", a curfew was imposed in all areas under their control and they indicated their withdrawal from all activities linked to the disarmament process. Meanwhile, the Forces nouvelles announced that all vehicles entering areas under its control would be searched, including those of United Nations and humanitarian organizations, allegedly to prevent FANCI from using falsely-marked cars to transport weapons.

13. On 30 October, my Special Representative met in Bouaké with the Secretary-General of the Forces nouvelles, who expressed his regret at the lack of progress in the adoption of the envisaged legislative reforms and accused President Gbagbo of preparing for a resumption of armed conflict.

Military operations by the National Armed Forces of Côte d'Ivoire and the security situation

14. On 4 November, FANCI, having redeployed some of its military assets to the zone of confidence, launched air attacks against Forces nouvelles positions in Bouaké and the northern town of Korhogo. Several people were killed and wounded during the attacks, while scores of civilians sought refuge at the UNOCI headquarters in Bouaké. The same day, water and electricity were cut off in Bouaké and several other locations in the north.

15. In Abidjan, large numbers of the so-called "young patriots", who support President Gbagbo, some armed with guns, surrounded and forcefully tried to take over the Golf Hotel, where several Forces nouvelles Ministers, for whom UNOCI provides close protection, were residing. The hotel was secured following a robust intervention by UNOCI and Licorne troops. Meanwhile, the offices of the Prime Minister, Seydou Diarra, were seized by FANCI and the staff expelled. In addition, the "young patriots" ransacked the offices of the National Commission for Disarmament, Demobilization and Reintegration, as well as those of the opposition parties, the Rally of the Republicans (RDR) and the Democratic Party of Côte d'Ivoire-African Democratic Rally (PDCI-RDA). They also burned and looted the offices of three major newspapers. On 5 November, the Director of Radio and Television of Côte d'Ivoire (RTI), who had been appointed by the Minister of

Communications, Guillaume Soro, was replaced by a person with close links to the Ivorian Patriotic Front (FPI). Following the attacks, the Secretary-General of the Forces nouvelles declared the Accra III and Linas-Marcoussis Agreements "null and void".

16. On 5 November, FANCI forces carried out additional air operations against Forces nouvelles positions, reportedly resulting in the further deaths of civilians and soldiers. There were also reports of the movement of several hundred FANCI troops, principally towards the Forces nouvelles stronghold of Bouaké. Despite the actions taken by UNOCI to prevent infiltration through the zone of confidence, on 6 November, large numbers of FANCI troops moved across the zone and clashed with military elements of the Forces nouvelles in Sakassou, south of Bouaké, and in the north-east of Bouaké. In the early morning of 7 November, a UNOCI contingent was fired on by Forces nouvelles military elements who were attacking FANCI forces near Zuenoula, close to the zone of confidence. The situation was brought under control after a meeting between the UNOCI contingent commander and representatives of the Forces nouvelles.

17. On 6 November, FANCI air operations against Forces nouvelles positions in the north of the country continued, with attacks on Bongora, Brobo and Bouaké. Meanwhile, President Gbagbo informed me that the military operations under way which were "limited and targeted at the recapture of specific towns", following which the Ivorian Government would request the United Nations to ensure the security of the towns. Furthermore, at 13.30 hours local time, during a raid by government fighter aircraft on Bouaké, a base of the French Licorne force was bombed, resulting in the deaths of nine French soldiers and one American citizen, while 38 French soldiers were wounded. The French forces responded by destroying the planes used by FANCI during the air raids, as well as military helicopters on the ground in Yamoussoukro.

18. Following the 6 November attack against the Licorne base in Bouaké and the 9 November confrontation between Licorne and "young patriots" around the Hotel Ivoire, which resulted in numerous deaths and injuries among the demonstrators, the Ivorian authorities accused the Licorne force of a disproportionate use of force in response to a "mistake" caused by the Ivorian security and defence forces. Furthermore, the authorities have asked for an international inquiry into "violations of the sovereignty and territorial integrity" of the country by the French military in Côte d'Ivoire. The French Minister of Defence has explained the actions of the French forces as legitimate self-defence. She has indicated that France could not but respond to the attack.

19. Following the destruction of the aircraft, tensions in Abidjan and other major towns heightened quickly, fuelled by messages broadcast on State-run radio and television by supporters of President Gbagbo inciting hatred and violence against the French forces and also French citizens. Thousands of "young patriots" marched on the airport in Abidjan, which had been taken over by Licorne troops. During the night of 6 November, "young patriots" again rampaged through the streets, attacking residences of foreign nationals and burning schools and businesses. Attacks against several opposition supporters were also reported. Violent demonstrations during the night were also reported in Yamoussoukro and San-Pédro.

20. On 6 November, President Obasanjo, in his capacity as Chairperson of the African Union, held consultations on Côte d'Ivoire in Lagos, following which the

African Union and ECOWAS called on all parties in the Ivorian crisis to immediately halt all hostilities. As mobilization calls by their leaders increased on radio and television, thousands of "young patriots" continued to throng the streets.

21. On the morning of 7 November, FANCI troops were ordered to withdraw to their positions south of the zone of confidence and to allow the unhindered movement of UNOCI and Licorne troops. However, at midday an attempt by FANCI elements to forcefully prevent the movement of a Licorne column en route to Abidjan resulted in two FANCI soldiers being killed. A speech delivered late in the evening of 7 November by President Gbagbo, in which he appealed for calm and for demonstrators to return to their homes, contributed to reducing tensions. Furthermore, on 8 November, after a meeting with the President of the National Assembly, Mamadou Coulibaly who called for calm, the Commander of the Licorne Force, the UNOCI Force Commander and the Chief of Staff of FANCI announced that joint patrols would be carried out throughout the city. One such patrol, which took place that night, also contributed to the restoration calm.

22. On 10 November, given the serious security conditions, an evacuation of foreign nationals began and several diplomatic missions were temporarily closed. Within two weeks some 9,000 expatriates had left the country. UNOCI provided shelter to more than 2,000 persons seeking protection as well as assistance, as needed, with the evacuations. A number of staff of the United Nations country team and UNOCI civilian staff were relocated to Accra.

23. Throughout the crisis, UNOCI troops actively sought to reduce tensions by maintaining close contacts with both FANCI and Forces nouvelles, as well as working robustly to preserve the integrity of the zone of confidence and to prevent any military movements through it. Additional United Nations troops were deployed to Abidjan to provide security for UNOCI personnel and property in the city. UNOCI continues to be proactively engaged in all these areas.

Initiatives to revitalize the peace process

24. On 9 November, President Mbeki of South Africa, heading an African Union mission aimed at bringing about a resumption of the peace process, began a series of meetings with the Ivorian parties. He met firstly with President Gbagbo in Abidjan, who assured him that he was prepared to resume implementation of the Accra III Agreement and, in particular, to present all pending draft laws to the National Assembly, while "mobilizing his party" for their adoption. He also called for the disarmament of the Forces nouvelles to start concurrently with the adoption process.

25. On 11 November, President Mbeki held consultations in Pretoria with several Ivorian opposition leaders, including the RDR President, Alassane Ouattara, and the Secretary-General of the Parti démocratique de Côte d'Ivoire and spokesperson of the coalition of opposition parties known as the "G-7" or "Coalition des Marcoussistes", Djédjé Mady. Subsequently, on 13 November, he also met with President Compaore of Burkina Faso. The following day, President Obasanjo of Nigeria, in his capacity as African Union Chairperson, convened a summit in Abuja, attended by six regional Heads of State as well as the ECOWAS Executive Secretary, the Chairperson of the African Union Commission and my Special Representative. The Speaker of the Ivorian National Assembly attended, representing President Gbagbo. In the communiqué issued following the summit, the

African leaders urged all the Ivorian parties to observe the ceasefire and called on the international community to stop the flow of arms into the country.

26. On 15 November, the Security Council adopted resolution 1572 (2004) imposing an immediate arms embargo on Côte d'Ivoire for a period of 13 months. Additionally, travel sanctions and the freezing of the financial assets of individuals determined to constitute a threat to the peace and reconciliation process in Côte d'Ivoire would come into effect for 12 months on 15 December, unless the Security Council determined before then that the signatories to the Accra III and Linas-Marcoussis Agreements had implemented their commitments under the Accra III Agreement and embarked towards the full implementation of the Linas-Marcoussis Agreement. The Côte d'Ivoire Sanctions Committee is expected to commence its work in early December.

27. On 18 November, for the first time since the outbreak of hostilities, the Council of Ministers met under the chairmanship of President Gbagbo. The Prime Minister, together with 23 of the 42 Ministers, representing seven political parties in the Government, attended the meeting. RDR sent representatives while none of the Forces nouvelles Ministers were present. Among other decisions, the President reaffirmed his intention of finding "interim replacements" for Ministers who failed to attend meetings of the Council of Ministers. The meeting also examined draft legislation enacting the reforms envisaged under the Linas-Marcoussis Agreement. A further meeting of the Council of Ministers was held on 25 November, attended by all Ministers, except those of the Forces nouvelles, who cited security reasons for not participating. The portfolios of the absent Ministers were temporarily redistributed among seven of the Ministers present. The second ordinary session of the National Assembly resumed on 29 November.

28. Following his meetings with the Secretary-General of the Forces nouvelles and the Prime Minister in Pretoria on 20 and 21 November, President Mbeki returned to Côte d'Ivoire on 2 December for a four-day visit to meet with the Ivorian parties and examine proposals for the resumption of the peace process. On 26 and 27 November, at its tenth summit held in Ouagadougou, the International Organization of la Francophonie adopted a resolution on Côte d'Ivoire, inter alia, condemning the attacks carried out by FANCI in early November, while calling for strict implementation of the Accra III and Linas-Marcoussis Agreements.

29. The already severely strained relations between President Gbagbo and opposition leaders further deteriorated in the wake of the hostilities. Mr. Soro called for the resignation of President Gbagbo and in a press statement former President Henri Konan Bedié, the leader of the Parti démocratique de Côte d'Ivoire, condemned President Gbagbo as well as the FPI for the resumption of hostilities.

30. After five days of extremely violent unrest and demonstrations following the military attacks on 4 November, the situation in Abidjan has remained calm, but volatile. Banks and other businesses and schools have gradually reopened. In northern areas, calm has generally been restored and the humanitarian situation improved after the restoration of electricity, water and phone services following several days of cuts. Areas within and around the zone of confidence have remained tense. However, inter-ethnic tensions continued to be reported in Gagnoa, in the south-west of the country. In Abidjan, groups of "young patriots" are still manning checkpoints around the building of the national Radio and Television of Côte d'Ivoire, the Presidential residence and at a key junction on the road to the airport.

The Ivorian authorities have reported that some 57 people were killed during the disturbances in Abidjan.

III. Status of the United Nations Operation in Côte d'Ivoire

31. As at 30 November, the troop strength of UNOCI stood at 5,995, out of an authorized strength of 6,240 military personnel. The outstanding deployment includes a helicopter unit, for which a suitable troop contributor has yet to be found.

32. During the period under review and prior to the current crisis, UNOCI's focus had been on induction of the force in various locations in the country. Deployment was completed as planned, following the stationing of the Togolese and Beninese battalions in the Abidjan and Korhogo areas, respectively, to support the disarmament, demobilization and reintegration process.

33. The UNOCI force continued proactively to carry out its mandated operational commitments, including monitoring the military and security situation in the country, robust patrolling, guard duties, as well as liaison with FANCI, the military elements of the Force nouvelles and the Licorne forces. UNOCI also continued to provide close protection to Ministers in the Government of National Reconciliation, as well as security to financial institutions in Bouaké and Korhogo. In addition, the force has taken an active part in several initiatives to promote national reconciliation and confidence-building between the parties, including escorting children travelling from the north to Yamoussoukro to participate in the UNOCI-led initiative "Couloirs de la paix"; providing escorts for convoys and personnel travelling to Bouaké to facilitate the restoration of administration and public services in areas under the control of the Forces nouvelles; and providing security for the delivery of salaries paid to teachers north of the zone of confidence.

34. Progress has been made in the deployment of the UNOCI civilian police component, which now includes 216 officers. Outside Abidjan, United Nations police advisers are deployed in Man, Bangolo, Daloa, San-Pédro, Bouaké, Yamoussoukro, Bondoukou and Korhogo. An additional civilian police operational sector has also been established in Abidjan. The UNOCI civilian police component also began to establish its presence at the National Police School, the Operation Centre of the Prefecture of Police, the Judicial Police, the Traffic Unit and the international airport in Abidjan. Despite initial difficulties in establishing close cooperation with the Ivorian Gendarmerie, efforts were undertaken to co-locate, in Abidjan and elsewhere in the country. Before the recent crisis, the UNOCI civilian police component also initiated various technical assistance programmes, in cooperation with the national police in Abidjan, to eliminate illegal checkpoints as well as to undertake activities in the area of community policing in sensitive neighbourhoods of Abidjan. In addition, the UNOCI civilian police component continued to work closely with the National Commission on Disarmament, Demobilization and Reintegration, particularly with respect to the recruitment, selection and training of the proposed 600 security auxiliaries in the north.

35. UNOCI personnel relocated to Accra during the crisis are gradually returning to Abidjan, based on a careful assessment of security conditions and the needs of the Mission. Thirty-two staff were brought back by the Mission between 25 and 28 November to ensure the proper functioning of logistics, communications and supply services. The return of additional priority staff is under consideration.

IV. Restoration of State administration

36. During the period under review, some progress was made towards the restoration of State administration, which commenced as a pilot project in the Moyen-Cavally region, located in the zone of confidence, and then gradually expanded to western and northern areas. Over 6,000 civil servants returned to their duty stations in the western region, while the Comité national de pilotage du redéploiement de l'administration has also encouraged the return and redeployment of civil servants to the north. To this end, the Comité national conducted three missions to Bouaké, to examine issues, including the modalities for the rehabilitation of public buildings, schools, health centres and other institutions. In addition, following negotiations with the Forces nouvelles, the Comité national implemented a scheme for the payment of salaries to teachers in Bouaké. The UNOCI civil affairs component has worked in close cooperation with the Comité national to facilitate the return of civil servants to a number of locations, while UNOCI also provided security assistance during the redeployment of administrators to Forces nouvelles-controlled areas, as discussed in paragraph 33 above.

V. Disarmament, demobilization and reintegration

37. As noted above, under the Accra III Agreement, the commencement of the disarmament, demobilization and reintegration process was to begin on 15 October, by which date the key legal reforms under the Linas-Marcoussis Agreement should have been adopted and the necessary technical preparations for the process completed. It was also agreed that the process would include all paramilitary and militia groups. The National Commission for Disarmament, Demobilization and Reintegration had proposed that the process would initially start in the east, in the northern town of Bouna, located in the Forces nouvelles-controlled area, and in the southern town of Bondoukou in the Government-controlled zone. Meanwhile, the regroupment of both FANCI and Forces nouvelles elements in their respective areas began as early as February 2004.

38. However, as noted in section II above, the process did not commence in October, as stipulated in the Accra III Agreement, because the Forces nouvelles were not prepared to disarm in the absence of progress in the adoption of the key constitutional and legal reforms provided for in that Agreement. Meanwhile, during the past several weeks, President Gbagbo has repeatedly called on the Forces nouvelles to commence the process at once and without preconditions.

39. The National Commission for Disarmament, Demobilization and Reintegration has indicated that 30,000 ex-combatants would participate in the disarmament, demobilization and reintegration programme. They would include 26,000 Forces nouvelles elements, of which 3,000 are children, and 4,000 FANCI personnel who were recruited since the crisis began in September 2002. The numbers of the militias and paramilitary groups has yet to be determined. The rehabilitation of the disarmament, demobilization and reintegration sites in the south has been completed, while work on those in the north has not been finalized due to continued protests and a lack of authorization for access by personnel of the National Commission, who some Forces nouvelles elements perceive as being supporters of President Gbagbo. However, the necessary equipment and all other logistical requirements have been secured and could be deployed promptly. The National

Commission, with the active assistance of UNOCI, the United Nations Development Programme (UNDP) and other United Nations agencies, has established a planning committee which has produced the necessary plans for implementation of the disarmament, demobilization and reintegration programme to proceed.

40. At the same time, the programme continues to face severe financial difficulties. Disbursements from the World Bank, which is a major donor to the programme, were blocked after Côte d'Ivoire stopped the payment of its loan arrears to the Bank in April 2004. In addition, having failed to meet a deadline on 1 November for resumption of payment of its arrears to the Bank, Côte d'Ivoire became, in the World Bank's terms, a "country in non-accrual", which may make it more difficult for the Bank to release funds for the disarmament, demobilization and reintegration programme in future. Nevertheless, the National Commission for Disarmament, Demobilization and Reintegration has reportedly secured funds to commence the process in the eastern region, primarily through a contribution of one million euros provided by France to UNDP to cover the safety net package for the former combatants in that phase.

VI. Human rights

41. The deteriorating human rights situation in Côte d'Ivoire remains an issue of very serious concern. Gross violations continue to be reported throughout the country, in both the Government and Forces nouvelles-controlled areas, as well as in the zone of confidence. These include cases of summary executions and extrajudicial killings, torture, rape, forced disappearances, arbitrary arrests, illegal and incommunicado detentions and the destruction of houses and other property.

42. The tense situation created by the failure of the Government and the Forces nouvelles to meet the deadlines stipulated in the Accra III Agreement, as well as the military offensive launched by FANCI against Forces nouvelles positions in early November, have caused a further deterioration in the human rights situation in Côte d'Ivoire. In this context, the number of requests for protection received by UNOCI from individuals who fear for their lives and physical integrity have steadily increased during the reporting period. There were numerous reports of women and girls being raped and also of the ransacking and burning of houses of opposition supporters during the recent outbreak of violence.

43. In the Government-controlled south, the human rights situation has been exacerbated by a series of high-profile incidents such as the operations carried out by security forces in Abidjan against the civilian population in the Gobele neighbourhood and at the Adjamé market on 29 September 2004. Other incidents, which took place in recent months, include a security operation against worshippers at the mosque in Yamoussoukro, the attack by members of the militant student organization, Fédération estudiantine et scolaire de Côte d'Ivoire (FESCI), against inhabitants of the Abidjan shanty towns of Wassa and Blingué and the abduction of four employees from the Abidjan residence of RDR leader, Alassane Ouattara, one of whom was subsequently found dead while the others were tortured and suffered serious physical injuries. In the western part of the country that is under Government control, militias supporting President Gbagbo repeatedly attacked residents of other ethnic groups in Bloléquin, Guiglo, Tai and other locations, as well as impeding the movement of humanitarian agencies within the region.

44. Tensions between rival factions of the Forces nouvelles in the west and the north, notably in Man, Logouale and Korhogo, also led to serious violations of human rights. A rise in cases of rape committed by Forces nouvelles elements has been reported in Korhogo.

45. In accordance with its mandate to contribute to the promotion and protection of human rights and to ending impunity for human rights violations in Côte d'Ivoire, UNOCI monitored, investigated and reported on several cases of human rights violations. It has also repeatedly urged the Government, which has primary responsibility for the protection of human rights in Côte d'Ivoire, as well as the Forces nouvelles leadership, to bring the perpetrators of these abuses to justice. However, the prospects of holding the perpetrators of gross human rights violations accountable are seriously diminished by a general unwillingness on the part of both the Government and the Forces nouvelles to take the necessary measures, including providing investigators with access to information and to sectors of their security services for the purpose of identifying those within their ranks who are responsible for committing these violations.

46. In its efforts to combat exploitation of child labourers in the cocoa and coffee plantations, on 29 September 2004, the Government of National Reconciliation established a National Committee against Child Labour, with the technical support and assistance of the International Labour Organization (ILO). Subsequently, a conference aimed at defining dangerous child labour practices in Côte d'Ivoire was held in early October. Since September 2004, UNOCI has conducted training for peacekeepers and personnel of all its units on the prevention of sexual exploitation and abuse.

47. On 15 October 2004, the International Commission of Inquiry established under the Linas-Marcoussis Agreement to investigate all serious violations of human rights and humanitarian law perpetrated in Côte d'Ivoire since 19 September 2002, submitted its report to the United Nations High Commissioner for Human Rights. It was subsequently circulated to the Ivorian parties signatory to the Linas-Marcoussis Agreement for their comments and was finalized and submitted to the Secretary-General on 19 November, for transmission to the Security Council.

VII. Preparations for elections

48. The stalemate in the National Assembly over the composition of the Independent Electoral Commission essentially revolved around whether the Forces nouvelles should be recognized as one entity, and thus represented by two members, as proposed by FPI, or as three entities, which this movement comprises, and therefore be allotted six seats, as proposed by the G-7. A second proposal by FPI, which was that the Forces nouvelles representatives could only take up their seats on the Independent Electoral Commission after disarmament had been completed, has further complicated the matter. On 30 November, the National Assembly Commission on General Affairs and Institutions approved a draft law on the structure, on the organization of the Electoral Commission, which allocates three seats to the Forces nouvelles. This draft law is now pending submission to the plenary of the National Assembly for possible adoption.

49. Pending the reconstitution of the Independent Electoral Commission, I dispatched an electoral assessment mission to Abidjan from 13 to 27 October to

review the tasks related to the organization of the elections and make proposals on accelerating the electoral process. The mission consulted widely with Government and electoral authorities, political parties and other national and international stakeholders. It made recommendations to move the process forward, while building confidence among the political parties. The mission recognized, however, that much depended on the early achievement of a political consensus on the reconstitution of the Independent Electoral Commission, so that a fully-functioning electoral management body could be established without further delay.

50. The delay in the adoption of legislation on nationality, which is a prerequisite so that credible electoral lists can be prepared, is also blocking the electoral process. Clearly, the early enactment of the required legislation for the holding of the elections is urgently needed in order for them to be conducted by the scheduled date of October 2005. It must be emphasized that the time needed for organizing transparent and credible elections is fast running out and that the necessary steps need to be taken without further delay to take advantage of the narrow window of opportunity that remains.

VIII. Public information

51. At the outbreak of the recent crisis, freedom of the press was severely curtailed. As indicated above, a printing house and the offices of several major newspapers were ransacked by "young patriots" and remained closed. At the same time, foreign radio stations, whose FM transmitters had been sabotaged and were off the air during the crisis of early November, had resumed broadcasting by mid-November. Meanwhile, there was a dramatic upsurge in the media of language hostile towards foreigners and the United Nations. As the crisis appeared to subside, and following the adoption by the Security Council of resolution 1572 (2004) on 15 November 2004, in which the Council demanded that the Ivorian authorities stop all radio and television broadcasts inciting hatred, intolerance and violence, the virulent language abated. UNOCI's Public Information Unit is being strengthened to increase its capacity to monitor such broadcasts, as called for in resolution 1572 (2004).

52. During the crisis, UNOCI intensified its monitoring and analysis of daily media and launched a public information strategy focusing on countering disinformation, jingoistic propaganda, hate media and other media-managed action aimed at inciting violence and derailing the peace and reconciliation process. UNOCI has also focused on providing information regarding Security Council resolution 1572 (2004), as well as the activities and initiatives undertaken by the United Nations at large, the African Union, ECOWAS and other members of the international community. In particular, although several public information staff were threatened by pro-Gbagbo supporters or had been evacuated, the Mission continued to inform the general public and other target audiences on the mandate and role played by UNOCI and other members of the United Nations family with respect to issues related to violations of human rights and the rule of law. The UNOCI FM radio station continued to provide the population of Abidjan with neutral and impartial information, regular news bulletins, information from humanitarian agencies and messages of peace, including from Ivorian civil society and religious leaders. The Mission's radio transmitter at Bouaké is currently being

installed to allow coverage of that strategic city and the area north of the zone of confidence.

IX. Humanitarian situation

53. The humanitarian situation throughout the country continues to be characterized by a prolonged and increasing decline in basic social services, including primary health care and education in the northern and western parts of the country. Furthermore, the outbreak of violence in early November and the subsequent evacuation of some humanitarian staff led to a drastic reduction of humanitarian activities throughout the country. Despite a deterioration in the security situation, humanitarian operations assisting the most vulnerable continued to be carried out by remaining national staff. Furthermore, at the time of the evacuation of United Nations staff, arrangements were put in place with FANCI, the Forces nouvelles and the humanitarian actors to ensure the continued safety and protection of transit centres and refugee camps. In a positive development, humanitarian actors based in the north, while calling for security guarantees, have recently expressed interest in an early return and resumption of their activities.

54. The recent disruption of water and electricity supplies in Forces nouvelles-controlled areas further compounded the effects of the crisis, hampering the functioning of schools and hospitals. To mitigate the consequences of these shortages, humanitarian actors, in partnership with civil society, ensured the provision of potable water, emergency medical supplies and essential drugs. In Korhogo, the functioning of the main hospitals was ensured thanks to fuel supplies provided by UNOCI. Following the intense advocacy efforts by the international community, water and electricity supplies to Forces nouvelles-controlled areas were finally restored.

55. The continuing absence of local health workers, who fled because of the fighting, remains a concern for humanitarian agencies. It is estimated that 70 per cent of the professional health personnel in the north and west have yet to return to their posts. The United Nations Children's Fund (UNICEF) has undertaken various initiatives to fill this gap, including the rehabilitation of health centres and the reinforcement of the capacities of health personnel throughout the north. In September, UNICEF trained over 700 medical workers from 14 health districts in the central and northern parts of the country. Essential drug and health kits were also distributed by agencies. The continuation of these initiatives will depend on a significant improvement of the security environment, especially in the west. Another tragic consequence of the resumption of hostilities was the suspension of the national immunization programme against polio, scheduled to take place in November. This is particularly worrying as polio, thought to have been eradicated in Côte d'Ivoire, resurfaced earlier this year, with 15 cases reported.

56. The slow redeployment of civil servants has also had a detrimental effect on education. While a majority of schools temporarily reopened, only a third of the teachers have returned. Continued insecurity, the poor state of schools, lack of educational materials and the slow payment of installation benefits are among the reasons why teachers have not returned. The recent crisis further affected the education system with several schools either ransacked or destroyed in Abidjan, Toumodi, Yamoussoukro and San-Pédro. From a protection standpoint, the closure

of schools is a worrying development since it increases the risk of children becoming involved in the conflict or being exposed to abuse and exploitation.

57. The return of migrant workers from neighbouring countries to work on coffee and cocoa plantations has been problematic. In October 2004, several buses transporting over a thousand such returnees from Burkina Faso were blocked when attempting to enter the Government-controlled south. There are concerns that hostility towards the returnees may increase owing to unresolved inter- and intra-communal tensions.

58. Meanwhile, the security situation for humanitarian workers in Côte d'Ivoire remains precarious. On 25 November, military elements of the Forces nouvelles fired several shots into the air as a World Food Programme (WFP) aircraft landed at the airport at Man, subsequently threatening its crew and passengers, protesting that they had not been informed in advance of the arrival of the plane. Additionally, access to the airport was denied to two United Nations vehicles sent to evacuate WFP staff. Following the incident, UNOCI issued a communiqué expressing concern at the threats against United Nations personnel and reminding the Forces nouvelles of their obligations vis-à-vis United Nations staff in areas under their control, while WFP has suspended flights to western Côte d'Ivoire until further notice. Subsequently, on 30 November, the Forces nouvelles leadership assured UNOCI that United Nations personnel would have free and unimpeded access to all areas under their control.

59. In the meantime, rapid assessment missions, comprising the Office for the Coordination of Humanitarian Affairs, UNICEF, WFP, the UNOCI Human Rights Section as well as some major international non-governmental organizations, were undertaken in late November to Bouaké and Guiglo in the north and to Abidjan, Korhogo, Yamoussoukro in the south to develop a preliminary picture of the most pressing humanitarian needs and protection issues. The results of these rapid assessments will be consolidated and shared with the international community in early December and will be integrated in an addendum to the 2005 Consolidated Appeal for Côte d'Ivoire.

X. Socio-economic situation

60. The prolonged crisis in Côte d'Ivoire is causing a severe economic downturn. Government revenues were estimated at 1,987 billion francs CFA in the 2004 annual budget. However, during the first half of 2004, the Ivorian Government increased expenditures by an estimated 719 billion francs CFA owing to large increases in public spending, wages and salaries. External arrears, which amounted to 9 per cent of the country's gross domestic product (GDP) in 2003, currently stand at 12 per cent of GDP, mostly due to the Paris Club creditors. The level of these arrears resulted in a suspension of disbursements from the Bank in June 2004, leading to the cessation of implementation of some of the Bank's priority projects. In October, arrears to the World Bank stood at some $71 million and the total annual debt service to the Bank is estimated to rise to about $115 million by the end of 2004.

61. The projection for Côte d'Ivoire's GDP growth in 2004 has been estimated by its Ministry of Economy and Finance at negative 0.9 per cent. With the exception of the primary sector, which registered a 3.1 per cent increase, all productive sectors have experienced considerable contractions in 2004, particularly in the secondary

and tertiary sectors, which have seen decreases of 9.7 per cent and 0.6 per cent, respectively. On the social front, the incidence of poverty rose dangerously from 38 per cent, just before the September 2002 crisis began, to an estimated 44 per cent in early 2004.

62. Cotton, coffee, tobacco, agro-processing industries and services have all suffered major losses during 2004. The recent crisis has further exacerbated the economic situation. Reports indicate that deliveries of cocoa to the ports for export dropped by 20 per cent from 1 October to 30 November, compared to the same period last year. Furthermore, Ivorian exports via ports and airports were disrupted during the crisis, and transborder trade with neighbouring countries has fallen off considerably. Hundreds of small to medium-size businesses were particularly hard hit by the evacuation of expatriates and the exodus of large numbers of migrant workers. The crisis in Côte d'Ivoire is continuing to have a major impact on neighbouring countries, particularly those that have depended on receiving goods transported overland and which can also export goods through the country's ports. The economic aftershocks of the continuing crisis are expected to be felt around the subregion for years to come and raise doubts regarding the return of much-needed foreign investment in the foreseeable future, given the country's continued instability.

XI. HIV/AIDS

63. According to the Joint United Nations Programme on HIV/AIDS (UNAIDS), Côte d'Ivoire continues to have the highest level of HIV prevalence in West Africa, at around 10 per cent. However, the Government, with the support of UNDP, the World Bank, UNAIDS and several donors, has launched a sound programme to counter the problem and has established an HIV/AIDS national fund. Most recently, UNDP, through the Global Fund, has launched an anti-retroviral supply programme. In November, the HIV/AIDS adviser from the Department of Peacekeeping Operations visited UNOCI to assist the mission's HIV/AIDS sensitization programme for peacekeeping personnel and it's planning for voluntary confidential counselling and testing. UNOCI has already established close partnerships with agencies such as UNAIDS and the United Nations Fund for Population Activities (UNFPA), as well as Government ministries and non-governmental organizations involved in addressing the HIV/AIDS problem. However, the implementation of the Mission's programme was interrupted by the recent outbreak of violence and subsequent evacuation of civilian staff. Nevertheless, the Mission is currently reviewing a number of Quick Impact Projects to support local HIV/AIDS initiatives and will be designing outreach programmes for local vulnerable communities.

XII. Emergency requirements for the reinforcement of the United Nations Operation in Côte d'Ivoire

64. The crisis in the first half of November has strained to the limit UNOCI's capacity to implement its mandate. Therefore, as an emergency measure, it is recommended that the Mission be reinforced in the following ways. On the military side, the new dynamics of the situation in Côte d'Ivoire have changed some of the key assumptions on which the original concept of operations was based. A number

of issues that have implications for UNOCI's future role need to be reviewed as a matter of priority to ensure that the Mission has the resources to carry out its mandated tasks. At the same time, the focus on supporting disarmament, demobilization and reintegration, which is a cornerstone of the current concept of operations, should continue.

65. UNOCI's structure was predicated on the ability of the Licorne force to provide quick reaction capacity when needed. However, the recent events have illustrated the complexities of the balance between the two forces and how difficult it can be to reconcile the emergency requirements of each when both are severely stretched. Consequently, UNOCI needs to be provided with its own modest reserve capability as a first level of response, in particular, in Abidjan. In addition, in order for the Mission to be able to present a credible deterrent, particularly in the zone of confidence, it is assessed that the peacekeepers on the ground will need to be backed up by both attack and light helicopters.

66. Consequently, I would recommend the deployment of an additional infantry battalion of 850 military personnel to act as a force reserve. This battalion would be stationed in Abidjan, with an additional aviation unit composed of eight attack and light helicopters and 270 support personnel. Given the topographical features of Abidjan, there is also a requirement for a small-boat unit of 30 personnel to assist with the deployment of troops and extraction of personnel in emergency situations.

67. The security review conducted in October by a Secretariat team highlighted a number of weaknesses in UNOCI's ability to implement its mandate in relation to providing close protection to Ministers of the Government of National Reconciliation. Correcting the existing shortfall will require the deployment of an additional 76 personnel, bringing the level of gendarme unit to 282 all ranks. These adjustments would add total 1,226 military personnel to the current authorized strength of the force of 6,240, thereby increasing its strength to up to 7,466 military personnel.

68. To further enhance the protection of United Nations personnel and facilities, in particular UNOCI headquarters in Abidjan, the deployment of a formed police unit of 125 personnel is recommended. The numbers would be temporarily drawn from the current authorized strength of 350 civilian police personnel. The unit would be exclusively used to assist in the protection of UNOCI headquarters, in close coordination with the UNOCI military component, the local security forces and the Licorne force.

69. Emergency requirements also include the need to establish of a level 1+ military medical facility in Abidjan, which should be equipped with basic surgical facilities and trauma capabilities. In addition, it is strongly recommended that there be a modest increase in security and also public information personnel to strengthen the Mission's information capacity and to enhance monitoring of the "hate media" as called for in Security Council resolution 1572 (2004). Finally, a small number of additional civilian staff would be needed to carry out other tasks required to implement the resolution, including the collection of information on the arms embargo and the situation along the borders of the country.

70. The emergency requirements mentioned above should not preclude the possibility of a further assessment of the future needs of the Mission, especially as a result of the ongoing initiatives of the African Union and others to find a solution to

the Ivorian crisis. The financial implications of the proposed reinforcement will be submitted to the Council shortly as an addendum to the present report.

XIII. Observations

71. The failure of the Ivorian parties to implement in earnest the provisions of the Linas-Marcoussis Agreement, the attacks by the Ivorian armed forces across the zone of confidence and the ensuing violent unrest and continuing tensions in Abidjan and elsewhere in the country have once again brought the country to a crossroads. I strongly condemn the protracted delays in the implementation of the major elements of the peace process and the deliberate resumption of hostilities and violations of the ceasefire established on 3 May 2003. The tragic displacements of population, including those of foreign nationals, widespread violations of human rights and the loss of life resulting from the crisis are deplorable.

72. In the wake of the recent events, priority needs to be given to ensuring the earliest restoration and consolidation of security and the resumption of dialogue among the Ivorian parties. In this regard, the concerned parties need to ensure that the integrity of the zone of confidence is respected and that the ceasefire is maintained. The Ivorian parties, and in particular President Gbagbo, as Head of State, should also be reminded of their obligations and their personal responsibility, for ensuring the security of civilians and the creation of a climate conducive to the resumption of a meaningful dialogue. Such a climate is necessary to enable the effective functioning of key institutions in the country, including the Executive and the National Assembly, as well as the political parties and the mass media. This is essential in order to prevent a further descent into violence and to facilitate the peace process.

73. In this regard, it is vital that, as demanded in Security Council resolution 1572 (2004), the broadcasts on State and privately operated radio and television, which have been used to incite hatred, intolerance and violence, are immediately and completely stopped. In a further step the ban proposed earlier this year by the Ivorian authorities on the disruptive activities of militant youth and other groups needs to be enforced, without discrimination. It should also be recalled that the Ivorian authorities have a responsibility for ending impunity and preventing incitement to hatred and other gross human rights violations. It should be further noted that, in the absence of effective action by courts of national jurisdiction, incitement to violence directed against civilians or ethnic, religious or racial communities may be subject to international action, including under the Rome Statute of the International Criminal Court.

74. I commend the African and other international leaders for their active roles in facilitating a peaceful resolution of the crisis in Côte d'Ivoire. The African Union initiative, led by President Obasanjo and President Mbeki, is a most welcome step, to which the United Nations is prepared to provide all appropriate support. The Ivorian parties should make full use of the window of opportunity that this initiative provides to reactivate the peace process. In the meantime, the international community should impress upon the Ivorian parties that they need to refrain from mutual recrimination and inflammatory rhetoric and return to dialogue, with a view to ensuring the full implementation of the Accra III and Linas-Marcoussis Agreements. Furthermore, steps should be taken to restore the full functioning of the

Government of National Reconciliation. The parties urgently need to agree on and commit themselves to credible timelines for implementing the accords.

75. In the circumstances prevailing in the country, it is particularly important that the international community speaks with one voice and that efforts are concerted and mutually reinforcing in order to provide both a catalyst for a reactivation of the peace process and the longer-term support needed for the implementation of the accords. In this context, the reports of the tripartite United Nations-African Union-ECOWAS Monitoring Group on developments regarding the implementation of the Accra III Agreement have been most useful. It is hoped that, in addition to its reporting tasks, the Monitoring Group will intensify efforts to engage the parties on the ground.

76. The precarious security situation in the country and the ensuing evacuation of international staff have resulted in further reductions in humanitarian activities. The cuts in electricity and water services during the recent crisis in Forces nouvelles-controlled areas caused serious problems for the population in the North. I would call upon the concerned parties to ensure that basic services are fully restored to all affected areas and maintained at all times. It should be recalled that any deliberate interruptions of such basic services are in contravention of international humanitarian law, for which those responsible are accountable. In addition, the deliberate actions by FANCI to stop the delivery of humanitarian aid to the north, which have been reported since the recent crisis began, must cease immediately.

77. In the light of the events in early November, I would recommend that immediate steps be taken to ensure that UNOCI's ability to implement its mandate is not unduly constrained. The requirements to meet UNOCI's emergency needs are described in section III above, and include: one infantry battalion to provide a force reserve; additional air assets; a small-boat unit for deployment of troops and extraction of staff; additional personnel for close protection tasks; one formed police unit to enhance protection for UNOCI headquarters in Abidjan, and; a small level-1 plus hospital. Additionally, a modest increase in civilian staff in some key areas is recommended, including security and public information, as well as for tasks related to implementation of the arms embargo imposed under Security Council resolution 1572 (2004).

78. Meanwhile, the recent crisis has brought into focus UNOCI's responsibilities regarding the protection of civilians, both in Abidjan and more widely in the country. At the same time the crisis has highlighted the limitations of the Mission when faced by massive unrest and attacks against certain groups of civilians that are clearly orchestrated, organized and undertaken in a climate of impunity. The question arises of how protection can best be provided for civilians, both Ivorian and foreign nationals, in such circumstances. In this regard, I would invite the Security Council and regional leaders to consider long-term strategies that could be employed in this pivotal West African country, including by the United Nations.

79. In conclusion, I would like to express my appreciation to my Special Representative, Albert Tévoédjrè, the civilian and military staff of UNOCI and the United Nations country team, humanitarian and development organizations and bilateral donors for their unsparing efforts in support of the search for the restoration of durable peace in Côte d'Ivoire, under daunting and challenging circumstances.

Annex

United Nations Operation in Côte d'Ivoire: Military and civilian police strength as on 30 November 2004

Country	Military observers	Military component			Civilian police
		Staff officers	Troops	Total	
Bangladesh	6	8	2 825	2 839	1
Benin	6	3	305	314	16
Bolivia	3			3	
Brazil	4	1		5	
Burkina Faso		1		1	
Cameroon					47
Canada					3
Chad	3			3	4
China	3			3	
Congo	6			6	
Croatia	3			3	
Djibouti					24
Dominican Republic	4			4	
Ecuador	2			2	
El Salvador	3			3	1
France	2	15	171	188	10
Guatemala	3			3	
Ghana	6	6	397	409	1
Gambia	5	1		6	
Guinea	3			3	
India	6	4		10	
Ireland	4			4	
Jordan	4	8		12	
Kenya	5	4		9	
Lebanon					2
Republic of Moldova	3			3	
Morocco	1	3	728	732	
Namibia	3			3	
Nepal	3			3	
Niger	2	3	366	371	25
Nigeria	5			5	2
Pakistan	9	10	364	383	
Paraguay	3	2		5	
Peru	3			3	

Country	Military component				Civilian police
	Military observers	Staff officers	Troops	Total	
Poland	2			2	
Portugal					2
Philippines	4	1		5	
Romania	4			4	
Russian Federation	7			7	
Senegal	6	6	313	325	60
Serbia and Montenegro	3			3	
Spain					1
Sri Lanka	5	4	291	300	1
Togo	2	1		3	
Tunisia					11
Turkey	2	1		3	11
Uruguay	3			3	
Yemen	2			2	
Zambia					
Total	**153**	**82**	**5 760**	**5 995**	**212**

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